

## TOWN OF TYNGSBOROUGH

Office of the Selectmen

25 Bryant Lane

Tyngsborough, MA 01879

Tel: 978 649-2300 Ext. 100

Fax: 978 649-2320

### Board of Selectmen Meeting Minutes

Monday September 13, 2010

6:00 P.M.

Town Offices

Member Present: Selectwoman Ashley O'Neill, Selectwoman Elizabeth Coughlin, Selectman Rick Reault, Selectman Rich Lemoine, Selectman Robert Jackson.

Staff: Town Administrator Michael Gilleberto, Admin. Assistant Therese Gay

"The listing of matters are those reasonable anticipated by the Chairman which may be discussed at the meeting. Not all items listed may in fact be discussed, and other items not listed may also be brought up for discussion to the extent permitted by law."

#### 1. 6:00 P.M Open Meeting

The Chairman opened the meeting, the Board was introduced and the agenda was read.

#### 2. New Business

- 6:05 P.M. Flint Road Pole Petition Hearing

The Board voted on a motion by Selectwoman Coughlin, second by Selectman Jackson to open the continued pole petition hearing.

Verizon engineer submitted a revised plan showing where the stub pole will be placed and the abutters were notified and the site visit on Flint Road was completed. Mr. Joe Gleason was present and reiterated the petition to replace a stub pole to house the guide wire that has been attached to a tree. The tree is on private property and the owner is removing the tree. There will be no cutting or pruning of trees in the public way. The Board voted 5-0 on a motion by Selectwoman Coughlin, second by Selectman Jackson to approve the Plan No. 730, dated 4/22/10 to place one stub pole on Flint road.

- 6:20 P.M. MASS DOT/Pawtucket Blvd Redesign

The Board voted 5-0 on a motion by Selectwoman Coughlin, second by Selectman Jackson to open the continued hearing for the Pawtucket Blvd redesign.

Ms Carrie Lavallee and Ms Beverly Wood were in attendance to review the changes and the new plans and answered any questions the Board had. Town Counsel has drawn up a new Land Damage Agreement and will deliver it to MASS Dot's Legal Counsel. The Board voted 5-0 on a motion by Selectwoman Coughlin, second by Selectman Jackson to approve the new Land Damage Agreement contingent on a Town Meeting approval.

- 6:45 P.M. Entertainment License Modification - Maxamillian's Billiards

The Board received a report from the Chief of Police stating that Maxamillians Billiards was operating a Texas Holdem Poker Tournament. It was at the time deemed illegal gambling. Attorney Peter Nicosia, and owner Glen Stanbury were present to answer any questions the Board may of had. Upon further investigation by Town Counsel, and Defense Counsel it was deemed a legal practice so long as the players did not pay an entry fee, bet or otherwise contributed something of value to play in a poker tournament, it does not constitute a lottery. A poker tournament in which participants pay nothing to plan (meaning players neither pay an entry fee nor bet money during the game) may award prizes to winning players. Mr. Stanbury needed to submit a request for an entertainment license modification to include the non gambling poker and charity poker tournaments along with modeling and fashion shows. The Board after reviewing the application and having no further questions and/or comments the Board voted 5-0 on a motion by Selectman

Lemoine, second by Selectman Jackson to approve the modified entertainment license to include the non gambling poker and charity poker tournaments.

- 7:00 P.M. Common Victualler Request – Mobil on the Run

The Global Montello Group, Corp, DBA Mobil #2701 is the new owner of the Mobil on the Run and are looking to transfer the Common Victualler License in their name. All of the paperwork is in order. The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Reault to approve the transfer of the Common Victualler License to Global Montello Group, Corp as presented.

- Livery License Request – Harris Limousine

Mr. Harris is looking for a Livery License to operate his Limousine Service from 276 Middlesex Road. He will place his vehicles on the lot as soon as the septic system is complete which will be shortly. It is a good spot to store and advertise. The application and additional paperwork is all in order. The Police Department did the background check on all of the drivers. The Board voted 5-0 on a motion by Selectman Lemoine, second by Selectman Reault to approve the request for a Livery License to Harris Limousine at 276 Middlesex Road. Mr. Harris will supply the office with a Workers' Compensation License.

- 7:15 P.M. Manager Change Request – Carrabba's Italian Grill

Carrabba's Italian Grill, Tyngsborough, MA has petition the Board for a Manager Change, all of the paper work is in order the background check was completed and no infractions reported. The Board welcomed Ms Kimberly Hanson, Ms Hanson will be the new manager she has prior experience and is certified to teach the Alcohol Servers Certification program. The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Reault to approve the transfer as submitted.

- 7:30 P.M. Auto Amuse/Entertain License Request – Funtageous, Inc. 18 Pondview Pl.

Mr. Joe DiPilato has submitted an application for Automatic Amusement License and for an Entertainment License for Weekday and Weekends. He has a Special Permit for a Family Indoor Recreation Facility. The necessary work to complete the space is taking a little longer that first thought, Mr. DiPilato will renovate and open a recreation facility on the first floor. He has acquire the necessary permits to renovate and will be issued a temporary occupancy for a six month period while the second floor is completed. The paper work in is order. The Board voted 5-0 on a motion by Selectman Lemoine, second by Selectwoman Coughlin to approve the Automatic Amusement and the Weekday and Weekend Entertainment License to Funtageous, Inc. at 18 Pondview Place.

- Appointment of 4 Reserve Officers – Police Department

The Board has received the resumes of 4 Reserve Officer the Chief is asking the Board to appoint. They will complete the Academy training by the end of the month and the Chief will have 3 more Reserved Officers in training. Once all Reserve Officers have completed the Academy he will bring the officers in to meet the Board. The Board voted 5-0 on a motion by Selectwoman Coughlin, second by Selectman Reault to appoint Kevin Ronan, David Salvucci, Nathan Abdallah, and Daniel Whitman as Tyngsborough Reserve Officers.

- Peddlers and Hawkers License Request – 138 Middlesex Road

The Board has received a letter from Mr. Bailey asking for a Peddlers and Hawkers License from the Board to be able to sell farm grown produce at 138 Middlesex Road. Mr. Bailey grows his vegetables in NH and would like to sell his produce here in Tyngsborough. The Board has reviewed the request and has conferred with Town Counsel. The Board needs more information on the matter and has contacted Mr. Bailey for additional information.

- Special Town Meeting – Discussion

The Town Administrator and the Board have discussed the possibility of having a Town Meeting at the end of October. There are some issues that will need to be addressed. The departments are still finishing the report to see what is needed and how long it would take to prepare. There is a possibility that the Board may have to wait until after the State Election. The Town Clerk is very busy with the State Primaries and then the State Election.

### **3. Citizen/Business Time**

Citizens or business owners may contact the Office of the Selectmen to request to address the Selectmen during citizen/business time. Citizens or business owners who have not contracted the Office of the Selectmen in advance may address the Board of Selectmen on matters of interest to the public for not more than five (5) minutes.

- No one came forward this evening

### **4. Approve Minutes**

- Monday July 26, 2010
- Monday August 2, 2010
- Monday August 16, 2010
- Monday August 30, 2010

The Board voted 4-0-0 on a motion by Selectman Jackson, second by Selectman Reault to approve the Minutes of Monday, July 26, 2010; Monday, August 2, 2010; Monday, August 16, 2010 and Monday, August 30, 2010. Selectman Jackson abstains from voting on the Minutes of Monday, July 26, 2010. And Selectman Lemoine abstains from voting on the Minutes of Monday, August 30, 2010.

### **4. Approve and Not Release Executive Session Minutes**

- Monday July 26, 2010
- Monday August 2, 2010
- Monday August 16, 2010
- Monday August 30, 2010

The Board voted 4-0-0 on a motion by Selectman Jackson, second by Selectman Reault to approve and not release the Minutes of Monday, July 26, 2010; Monday, August 2, 2010; Monday, August 16, 2010 and Monday, August 30, 2010. Selectman Jackson abstains from voting on the Minutes of Monday, July 26, 2010. And Selectman Lemoine abstains from voting on the Minutes of Monday, August 30, 2010.

### **5. Old Business**

- Appointment – Economic Development Committee

Ms Tracy Connors submitted a letter of interest to remain a member of the Economic Development Committee. The Board voted 5-0 on a motion by Selectman Lemoine, second by Selectman Jackson to appoint Tracy Connor as a member of the Economic Development Committee.

### **6. Correspondence**

Documents are available online at [www.tyngsboroughma.gov](http://www.tyngsboroughma.gov)

The Board after reviewing the correspondence voted on a motion by Selectman Reault, second by Selectman Lemoine to accept the correspondence as read for discussion. Some discussion on the former campground turned park, the Recreation Committee has submitted a letter suggesting the formation of a committee to oversee the park area. The Greater Lowell Voke has revised their budget and has informed the Town that the assessment has been decreased. The Economic Development has met and are working on the Code Assessment for the Barn.

### **7. Selectmen's Reports**

- Selectman O'Neill – SFPC, Vietnam Memorial, Primary Elections

A reminder to everyone that Tuesday is the State Primaries and the Local Debt Exclusion Ballot Question. The Vietnam Memorial looks great thank you to Mr. Hammer for beautifying the Memorial.

- Selectman Coughlin – Energy and Environmental Affairs/Licenses

Selectwoman Coughlin is working on a couple of projects, the wind and solar by-laws, the National Grid Gas install, the Street Lights and also filed for Intervener Status to the Federal Energy Regulatory Commission the licensee being Boott Hydropower, Inc. and the hydroelectric power project, the Pawtucket Dam located on the Merrimack River.

- Selectman Reault – Northern Middlesex Council Of Government

The Pawtucket Blvd redesign is going to bid this month. And still working with NMCOG on the Housing Plan and the Affordable Housing Plan updates.

- Selectman Lemoine – Economic Development

The Code Analysis on the Barn is to be done, the fencing funds are available through Town Meeting Vote but cannot use it until the Historical Commission designates the center having Historical Significance, and the Historical Commission is not ready to make that statement at this time. Selectman Lemoine announced the departure of the Building Commissioner. He was a team player, professional and he will be a lost to the Community.

- Selectman Jackson – The Early Childhood Center

The Committee has not met and have received no info to date. The employee contracts are now up on the Town's Web page and the SFPC report will be ready soon.

### **8. Town Administrator's Reports**

Report is available online at [www.tyngsboroughma.gov](http://www.tyngsboroughma.gov)

- Response to Selectmen's Requests

Letter sent to Animal Inspector regarding reports. The Contracts are posted on the web page. And the Superintendent of the Greater Lowell Technical School indicated that the school is willing to help, the project would need to be operated as a work placement.

- Budget

Tyngsborough has been awarded additional federal education dollars, which will funnel through the state. More information is forthcoming.

- Departmental Information

Building Inspector: Don Crowell is on as Interim Building Commissioner. He will work Tuesday through Thursday and is on call as needed. The posting for the permanent position went up Friday.

Wiring and Plumbing/Gas Inspector: applications are coming in.

Departmental Hours: in an effort to improve customer service, I am assembling a singular list of all Town Hall department hours for the public. It will run on Channel 8, the website, and posted throughout Town Hall.

Sewer Commission: The Sewer Commission has completed interviews of candidates for the position of Sewer Administrator.

- Contracting/Procurement – No report
- Other

Attached is a draft RFP for grant writing services. I will be attending the Inspector General's Purchasing Class September 21-23. I will be attending the MMA meeting this Thursday morning. Online correspondence: the correspondence is scanned and posted online. Any material that may contain personal identification as well as internal correspondence regarding legal and pre-policy matters is not posted on line. Request to view such information will continue to be honored by the Administration on a case-by-case basis in compliance with appropriate state and federal laws.

### **9. 8:00 P.M. Work Session**

The Board voted 5-0 on a motion by Selectman Lemoine, second by Selectman Jackson to enter into a Work Session and to exit the Work Session and to enter into an Executive Session to discuss collective bargaining and to exit Executive Session and enter into open session only to adjourn. The Board entered into the Work Session at 7:30 P.M.

The Board discussed their procedure to use on conducting their meetings in a timely and respectful fashion. All information is processed and sent to the Board. The Board also discussed setting goals for 2011; any correspondence sent out by the Administration and/or Board Member the Board should be copied on. The Selectmen exited the Work Session at 7:55 P.M.

**10. 8:30 P.M. Executive Session**

The board may move to go into executive session to discuss strategy with respect to collective bargaining, litigation, or exempt negotiations if an open meeting may have a detrimental effect on such subject matters.

- **Collective Bargaining**

The Board voted 5-0 on a motion by Selectman Lemoine, second by Selectman Jackson to enter into Executive Session to discuss collective bargaining and to exit the Executive Session return to open session only to adjourn. Roll Call Vote: Selectman Jackson, yes; Selectman Lemoine, yes; Selectwoman Coughlin, yes; Selectwoman O'Neill, yes; Selectman Reault, yes.

The Board entered Executive Session 7:55 P.M.

**11. 9:30 P.M. Adjournment**

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Reault to adjourn the meeting. The Board adjourned at 8:37 P.M.

Respectfully Submitted

Therese Gay  
Admin Assistant

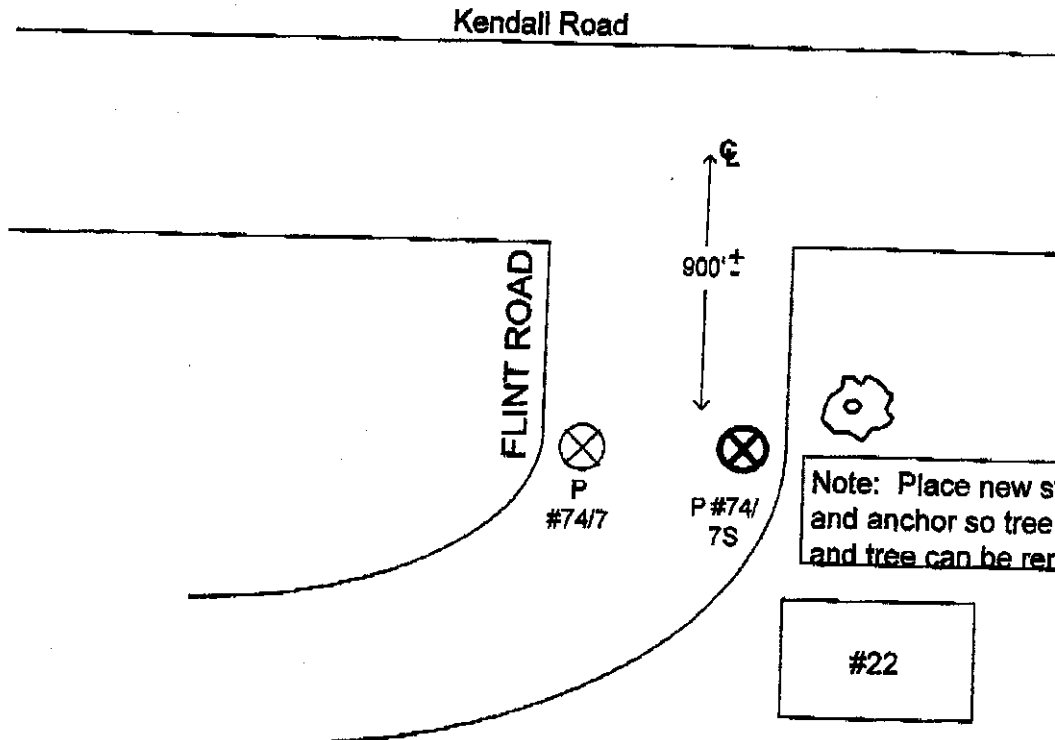
Approved on: \_\_\_\_\_

# PETITION PLAN



Pet.# 730  
Date: April 22, 2010  
Revised - Sept. 1, 2010

Municipality: Tyngsborough, Massachusetts  
Verizon New England Inc. and Massachusetts Electric Company  
Showing: **Proposed Joint Pole Location**



Prepared By sc/lg

DISTANCES SHOWN ARE APPROXIMATE

Checked By *clm*  
Order 9ADLET

## LEGEND

- |  |   |  |   |
|--|---|--|---|
|  | - Proposed Verizon Pole Location        |  | - Existing Joint Pole to Remain               |
|  | - Verizon Pole Location to be Abandoned |  | - Proposed JO Pole                            |
|  | - Verizon Co. Pole to Remain            |  | - Present Joint Pole Location to be Abandoned |
|  |   |  | - Tree  |

Mass. Form 559  
9-81

PETITION FOR JOINT OR IDENTICAL POLE LOCATIONS

Dracut, Mass.,

04/22/2010

RECEIVED  
2010 MAY -4 PM 12:16  
TOWN CLERK  
TYNGSBOROUGH, MA

To the Board of Selectmen  
of Tyngsborough, Massachusetts.

VERIZON NEW ENGLAND INC. (Formerly known as NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY) and MASSACHUSETTS ELECTRIC COMPANY (NORTH ANDOVER) request permission to locate poles, wires, cables and fixtures, including the necessary anchors, guys and other such sustaining and protecting fixtures to be owned and used in common by your petitioners, along and across the following public way or ways:-

FLINT ROAD, Place one (1) Stub Pole -

Locations approximately as shown on Plan attached

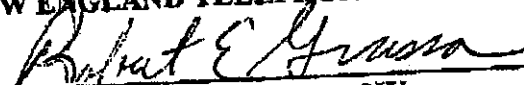
Wherefore they pray that after due notice and hearing as provided by law, they be granted joint or identical locations for and permission to erect and maintain poles, wires and cables, together with anchors, guys and other such sustaining and protecting fixtures as they may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked-VERIZON PLAN NO. 730, Dated 04/22/2010.

Also for permission to lay and maintain underground laterals, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

Your petitioners agree to reserve space for one crossarm at a suitable point on each of said poles for the fire and police telephone and telegraph signal wires belonging to the municipality and used by it exclusively for municipal purposes.

VERIZON NEW ENGLAND INC.  
(Formerly known as NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY)

By



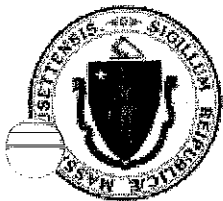
Manager/Right of Way

MASSACHUSETTS ELECTRIC COMPANY (NORTH ANDOVER)

By



Supervisor Field Engineering



The Commonwealth of Massachusetts

MASSHIGHWAY DEPARTMENT  
Right of Way Bureau

LAND DAMAGE AGREEMENT

Standard Form

City/Town: Tyngsborough

Project: Relocation of Route 113 (Pawtucket Boulevard)

Owner: The Town of Tyngsborough, a municipal corporation

Mailing Address: Town Hall, 25 Bryants Lane, Tyngsborough MA 01879

County: Middlesex (North District)

Layout No.: 7908

"Indian Lane" Parcels Nos.: 14-1 fee taking, approx. 8850 square feet  
14-3-T, fee taking, approx. 8794 square feet  
14-DS-1-T, perm. Drainage and Slope easement, approx. 3609 square feet

F.A.P. #: NFA

"Old Pawtucket Drive" Parcels: Nos. 14-8-T, fee taking, approx. 6691 square feet  
14-9-T, fee taking, approx. 6585 square feet  
14-18-T, fee taking, approx. 10 square feet  
14-D-2-F, fee taking for drainage, approx. 16,809 square feet  
14-D-3-F, fee taking for drainage, approx. 2063 square feet

Order No.: N/A

Order Recorded: \_\_\_\_\_

This agreement is entered into for full settlement of any and all claims for damage incurred or to be incurred by the MassHighway Department as a result of a taking by eminent domain, construction, and/or alteration of the subject project by the MassHighway Department. The land and/or rights in land taken, and limitations of access, if any, are described in an order of taking (together with any related plans) adopted by the MassHighway Department, and on file at the office of said Department and recorded in the Registry of Deeds for the above county.

The owner agrees to accept the sum of \$ Zero, plus an apportionment of real estate taxes from the date of the recording of the order of taking to the end of the calendar year of the taking, in full settlement of any and all claims whatever to the taken or remaining property of the owner on the subject project whether caused by the taking of land and/or rights in land, limitations of access, changes in grade or drainage and/or alteration of said project; and agrees to give the Commonwealth of Massachusetts, through its MassHighway Department, such releases as will release the claims, due to said taking, construction and/or alteration, of any and all persons or concerns having ownership or any interest or title in the premises.

Additions to this agreement are as follows: (if none, write "None")

None

It is understood and agreed that this agreement shall become binding only when signed by the owner and other parties in interest, and formally approved by the MassHighway Department Board of Commissioners. It is also understood and agreed that the owners are entitled to damages for the rights being acquired, but have agreed to accept no award of damages.

SIGNATURE OF OWNER(S):

DATE:

\_\_\_\_\_  
For the Town of Tyngsborough

\_\_\_\_\_  
For the Town of Tyngsborough

TOTAL DAMAGES:

Damages \$0.00  
R.E. Taxes \$0.00  
Interest \$0.00

\_\_\_\_\_  
TOTAL \$0.00

APPROVED BY:

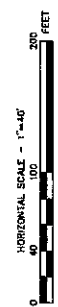
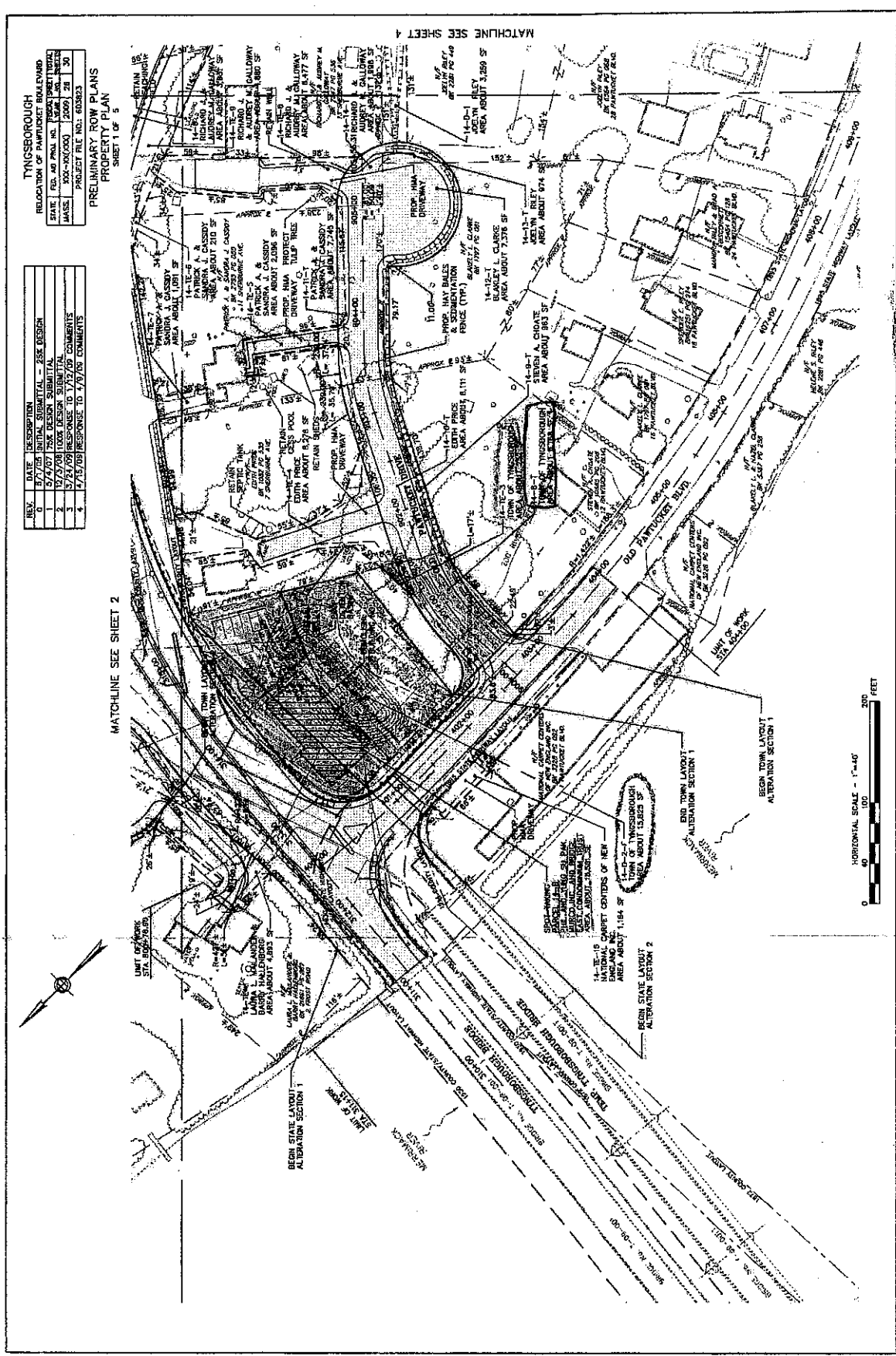
\_\_\_\_\_  
DEPUTY DIRECTOR, Right of Way Bureau



TYNCSBOROUGH  
RELOCATION OF PAWBUCKET BOULEVARD  
DATE: 5/7/09 INITIAL SUBMITTAL - 25% DESIGN  
DESIGNER: PARSONS  
PROJECT NO.: 603803  
SHEET NO.: 20  
PRELIMINARY ROW PLAN  
PROPERTY PLAN  
SHEET 1 OF 5

REV.	DATE	DESCRIPTION
0	5/7/09	INITIAL SUBMITTAL - 25% DESIGN
1	5/7/09	75% DESIGN SUBMITTAL
2	5/7/09	DESIGN SUBMITTAL
3	5/7/09	RESPONSE TO 1/17/09 COMMENTS
4	5/7/09	RESPONSE TO 4/9/09 COMMENTS

MATCHLINE SEE SHEET 2



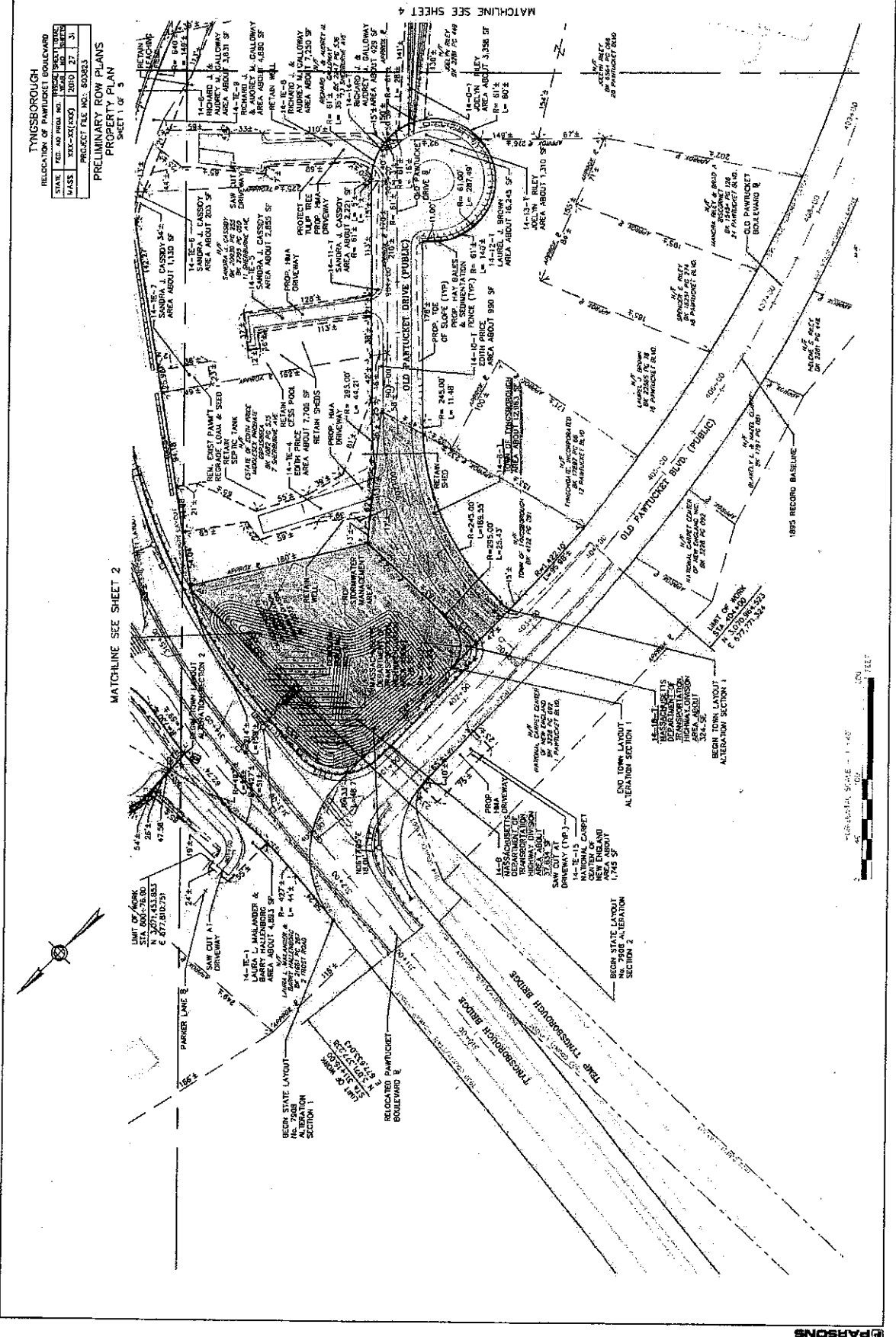
Submitted April 2009

TYNGBOROUGH

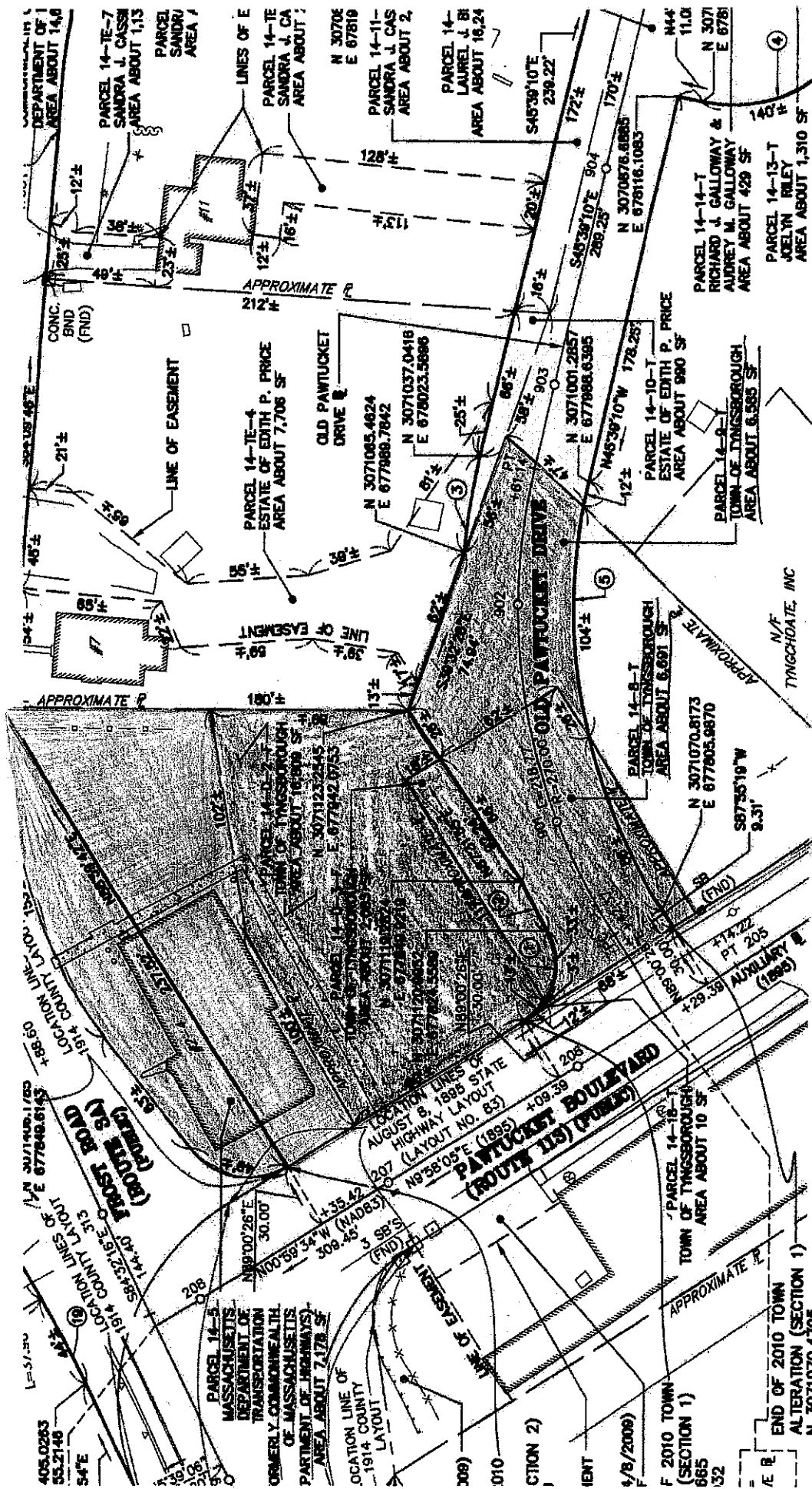
RELOCATION OF PANTUCKET BOULEVARD

STATE	FEED NO	PROJ NO	SHEET NO
MASS	XXC-XX(XXX)	2010	27
PROJECT FILE NO. 803023			

PRELIMINARY ROW PLAN  
SHEET 1 OF 3



Submitted 8/16/10



THIS CERTIFIES THAT THE LOCATION OF THE STATE HIGHWAY HAS BEEN ALTERED AS SHOWN ON THIS PLAN AND THAT SAID HIGHWAY AS ALTERED WERE LAID OUT AND TAKEN CHARGE OF AS A STATE HIGHWAY BY THE MASSACHUSETTS DEPARTMENT OF TRANSPORTATION, HIGHWAY DIVISION ON WITH CHAPTER 6C AND CHAPTER 81 OF THE GENERAL LAWS.

THIS CERTIFIES THAT THE SECTIONS OF ROAD MARKED ON THIS PLAN "TOWN ALTERATION" WERE LAID OUT IN BEHALF OF THE TOWN OF TYNGSBOROUGH BY THE MASSACHUSETTS DEPARTMENT OF TRANSPORTATION, HIGHWAY DIVISION ON UNDER AUTHORITY OF CHAPTER 6C AND CHAPTER 81 SECTION 7A OF THE GENERAL LAWS.

Submitted 8/30/0

RULES AND  
METHODS OF  
T.T.S.

2010 AUG 23 4:11:25

BOARD OF SELECTMEN  
TYNGSBOROUGH, MA.

Glen Stanbury  
Maxamillians Inc.  
315 Middlesex Rd

Tyngsboro Town Hall  
Board of Selectmen  
25 Bryant Lane  
Tyngsborough, MA 01879

Dear Board Members,

I respectfully request to be placed on the agenda for the next scheduled Selectman's meeting for the proposed modification of Maxamillians entertainment license to include "non gambling poker" and "charity poker tournaments".

Thank you,



Glen Stanbury,  
Maxamillians Inc.

TOWN OF TYNGSBOROUGH  
APPLICATION FOR WEEKDAY ENTERTAINMENT

Date: 8/23/10

In accordance with Massachusetts General law, Chapter 140, section 183A, hereby requests a  
weekday entertain license for:

Establishment: Matamoras Inc.

Address: 315 Middlesex Rd.

2010 AUG 25 04:11:29  
BOARD OF SELECTMEN  
TYNGSBOROUGH, MA.

Weekday Entertainment at the above mentioned establishment will include the following:

<u>✓</u>	Dancing by patrons
<u>✓</u>	Vocalists
<u>✓</u>	Disc Jockey
<u>✓</u>	Jukebox
<u>✓</u>	Orchestra (please state number of pieces)
up to <u>6</u>	Bands (please state number of pieces)
<u>        </u>	Floor Show (please describe)
	<u>modeling / Fashion Shows</u>
<u>✓</u>	Television
<u>✓</u>	Radio/Stereo
<u>✓</u>	Piped in Music
<u>✓</u>	OTHER: (please describe fully) <u>1) non-gambling poker</u>
	<u>2) charity poker tournaments</u>

Please use additional pages as needed to fully describe the type and scope of the proposed entertainment. **PLEASE NOTE:** Should you be granted a license, only those activities specifically identified in this application form will be deemed licensed, and that any activity not specifically identified or described will not be deemed to be licensed.

HOURS WHICH ENTERTAINMENT WILL BE CONDUCTED

Monday	<u>11 AM</u> to <u>1:30 AM</u>
Tuesday	<u>        </u> to <u>        </u>
Wednesday	<u>        </u> to <u>        </u>
Thursday	<u>        </u> to <u>        </u>
Friday	<u>        </u> to <u>        </u>
Saturday	<u>        </u> to <u>        </u>

} 11 AM to 1:30 AM

I agree not to change the type of entertainment provided in my establishment without the prior written permission of the Local Licensing Authority

Signature of Licensee: 

TOWN OF TYNGSBOROUGH  
APPLICATION FOR SUNDAY ENTERTAINMENT

Date: 8/23/10

2010 AUG 25 AM 11:23

In accordance with Massachusetts General law, Chapter 136 and 140, section 183A, hereby requests a weekday entertain license for:

Establishment: Maxam. LLC INC.

Address: 315 Middlesex Rd.

Weekday Entertainment at the above mentioned establishment will include the following:

<input checked="" type="checkbox"/>	Dancing by patrons
<input checked="" type="checkbox"/>	Vocalists
<input checked="" type="checkbox"/>	Disc Jockey
<input checked="" type="checkbox"/>	Jukebox
<input checked="" type="checkbox"/>	Orchestra (please state number of pieces)
<input checked="" type="checkbox"/>	Bands (please state number of pieces)
<input checked="" type="checkbox"/>	Floor Show (please describe)
	<u>modeling / Fashion Shows</u>
<input checked="" type="checkbox"/>	Television
<input checked="" type="checkbox"/>	Radio/Stereo
<input checked="" type="checkbox"/>	Piped in Music
<input checked="" type="checkbox"/>	OTHER: (please describe fully)
	<u>1 Non-Gambling Poker</u>
	<u>2 Charity Poker tournaments</u>

Please use additional pages as needed to fully describe the type and scope of the proposed entertainment. **PLEASE NOTE:** Should you be granted a license, only those activities specifically identified in this application form will be deemed licensed, and that any activity not specifically identified or described will not be deemed to be licensed.

HOURS WHICH ENTERTAINMENT WILL BE CONDUCTED

Sunday 1:00 P.M. to 1:00 AM.

I agree not to change the type of entertainment provided in my establishment without the prior written permission of the Local Licensing Authority.

Signature of Licensee: \_\_\_\_\_

Post-it® Fax Note	7671	Date	7/29/10	# of pages	2
To	Mark	From	Therese Gay		
Co./Dept.		Co.	Tyngsborough MA		
Phone #		Phone #	978 444-2314		
Fax #	781 398-9233	Fax #	978 444-2320		

FORM L-1  
Fee \$75.00  
TYNGSBOROUGH, MA.

TOWN OF TYNGSBOROUGH  
BOARD OF SELECTMEN GENERAL APPLICATION/RENEWAL FORM

This is a general application for a license that the Board of Selectmen may grant. All license applications to the Tyngsborough Board of Selectmen MUST be accompanied by the following information.

1. Type of License: Common Victualler

1a. Identify: New ☐ Renewal ☐ Transfer ☒

2. Name of Applicant(s): Edward J. Faneuil

2a. Address: 56 Gatewood Drive, Needham, MA 02492

2b. Soc. Sec. #: 033-34-9416

2c. Phone # Business (781) 398-4211 / Home (781) 444-0901

3. Owner(s) Name: Global Montello Group Corp.

3a. Address: C/O Alliance Energy Inc, 404 Wyman Street, Suite 425, Waltham, MA  
Attn: Legal Dept.

3b. Soc. Sec. #: 04-344-3028

3c. Phone #: Business (781) 674-7780 / Home ( ) -

4. Name of Business: Mobile #2701

5. Business Address: 95-97 Westford Dr, Tyngsboro, MA 01879

6. Date License is Required by Applicant: 9/27/10

7. Do you currently hold a similar License - What Type? No

8. Have you previously applied for a License? (Yes) ☐ (No) ☒

9. Have you ever had a license revoked? (Yes) ☐ (No) ☒

If yes. Why?

10. If there is a building or structure associated with the License, please submit the following to scale minimum 1/16"=1'10". **(Seven Copies Required)**

- A. Floor Plan (show all main features, bar, exits, rest rooms, etc.)
- B. Seating Location
- C. Site Plan Indicating Parking Areas and Access to Town Ways

11. Proposed Hours of Operations:

<u>DAYS</u>	<u>HOURS</u>	<u>DAYS</u>	<u>HOURS</u>
Monday	<u>24</u>	Friday	<u>24</u>
Tuesday	<u>24</u>	Saturday	<u>24</u>
Wednesday	<u>24</u>	Sunday	<u>24</u>
Thursday	<u>24</u>		

12. Has the applicant operated a similar business (if applicable):

12a. Name of Business: No

12b. Address: \_\_\_\_\_

13. Federal Tax No. (if applicable) \_\_\_\_\_

**I certify** that the Tyngsborough Police Department may run a criminal records check for any prior offenses and that this information may be transmitted to the Local Licensing Authority at their request.

Date: 8/27/10

Signature: \_\_\_\_\_

**I certify** under the penalties of perjury that I, to the best of my knowledge and belief, have filed all State Tax Returns and Paid all State and Local Taxes required by law.

Date: 8/27/10

Signature: \_\_\_\_\_

**I certify** that I have read through the conditions and included with this license and agree to comply with any further stipulations that the Licensing Authority may from time to time approve. I also hereby authorize the Licensing Authority or their agent to conduct whatever investigation or inquiry is necessary to verify the information contained in this application.

Date: 8/27/10

Signature: \_\_\_\_\_





The Commonwealth of Massachusetts  
Department of Industrial Accidents  
Office of Investigations  
600 Washington Street  
Boston, MA 02111  
www.mass.gov/dia

Workers' Compensation Insurance Affidavit: General Businesses

**Applicant Information**

Please Print Legibly

Business/Organization Name: A E Holdings Corp / ALLIANCE ENERGY LLC

Address: 404 WYMAN ST.

City/State/Zip: WALTHAM MA Phone #: 781-674-7780

**Are you an employer? Check the appropriate box:**

1. ☒ I am an employer with > 700 employees (full and/or part-time).\*
2. ☐ I am a sole proprietor or partnership and have no employees working for me in any capacity. [No workers' comp. insurance required]
3. ☐ We are a corporation and its officers have exercised their right of exemption per c. 152, §1(4), and we have no employees. [No workers' comp. insurance required]\*\*
4. ☐ We are a non-profit organization, staffed by volunteers, with no employees. [No workers' comp. insurance req.]

**Business Type (required):**

5. ☒ Retail
6. ☐ Restaurant/Bar/Eating Establishment
7. ☐ Office and/or Sales (incl. real estate, auto, etc.)
8. ☐ Non-profit
9. ☐ Entertainment
10. ☐ Manufacturing
11. ☐ Health Care
12. ☐ Other \_\_\_\_\_

\*Any applicant that checks box #1 must also fill out the section below showing their workers' compensation policy information.

\*\*If the corporate officers have exempted themselves, but the corporation has other employees, a workers' compensation policy is required and such an organization should check box #1.

**I am an employer that is providing workers' compensation insurance for my employees. Below is the policy information.**

Insurance Company Name: GRANITE STATE INSURANCE COMPANY

Insurer's Address: 70 PINE ST.

City/State/Zip: NEW YORK NY 10270

Policy # or Self-ins. Lic. # WC Expiration Date: 10/01/2010

**Attach a copy of the workers' compensation policy declaration page (showing the policy number and expiration date).**

Failure to secure coverage as required under Section 25A of MGL c. 152 can lead to the imposition of criminal penalties of a fine up to \$1,500.00 and/or one-year imprisonment, as well as civil penalties in the form of a STOP WORK ORDER and a fine of up to \$250.00 a day against the violator. Be advised that a copy of this statement may be forwarded to the Office of Investigations of the DIA for insurance coverage verification.

**I do hereby certify, under the pains and penalties of perjury that the information provided above is true and correct.**

Signature: [Signature] Date: 8/30/10

Phone #: 781-398-4244

**Official use only. Do not write in this area, to be completed by city or town official.**

City or Town: \_\_\_\_\_ Permit/License # \_\_\_\_\_

Issuing Authority (circle one):

1. Board of Health 2. Building Department 3. City/Town Clerk 4. Licensing Board 5. Selectmen's Office  
6. Other \_\_\_\_\_

Contact Person: \_\_\_\_\_ Phone #: \_\_\_\_\_

GRANITE STATE INSURANCE COMPANY  
13102

INCORPORATED UNDER THE LAWS OF PENNSYLVANIA  
ITEM 1. NAMED INSURED: MAILING ADDRESS IDENTIFICATION NO.:

OLDINGS CORP  
300 SOUTH STREET  
PO BOX 9161  
WALTHAM, MA 02454-0000

EXECUTIVE OFFICES:  
70 PINE STREET, NEW YORK, N.Y. 10270

SEE EXTENSION OF ITEM 1. OF THE INFORMATION PAGE - WC990610

D#

PRODUCERS NAME AND ADDRESS

**WORKERS COMPENSATION AND EMPLOYERS  
LIABILITY POLICY INFORMATION PAGE**

BEECHER CARLSON INSURANCE SERVICES INC.  
15 BROAD STREET  
8TH FLOOR  
BOSTON, MA 02109-0000

INSURED IS  
CORPORATION

PREVIOUS POLICY NUMBER  
RENEWAL

OTHER WORKPLACES NOT SHOWN ABOVE: SEE EXTENSION OF ITEM 1. OF THE INFORMATION PAGE - WC990610

ITEM 2 POLICY PERIOD 12:01 A.M. standard time at the insured's  
mailing address

FROM 10/01/09 TO 10/01/10

ITEM 3 A. Workers Compensation Insurance: Part One of the policy applies to the Workers Compensation Law of the states listed  
here:

CT MA NH NY PA RI

B. Employers Liability Insurance: Part Two of the policy applies to the work in each state listed in item 3.A.

The limits of our liability under Part Two are:

Bodily Injury by Accident \$ 1,000,000 each accident  
Bodily Injury by Disease \$ 1,000,000 policy limit  
Bodily Injury by Disease \$ 1,000,000 each employee

C. Other States Insurance: Part Three of the policy applies to the states, if any, listed here:

AK AL AR AZ CA CO DC DE FL GA HI IA ID IL IN KS KY LA MD MI MN MO MS MT NC NE NJ NM NV  
OK OR SC SD TN TX UT VA VT WI WV

D. This policy includes these

SEE EXTENSION OF ITEM 3.D. OF THE INFORMATION PAGE - WC990612

ITEM 4 The premium for this policy will be determined by our Manuals of Rules, Classifications, Rates and Rating Plans.  
All information required below is subject to verification and change by audit.

Classifications	Code Number	Estimated Total Remuneration <input checked="" type="checkbox"/> Annual <input type="checkbox"/> 3 Year	Rate Per \$100 OF Re- muneration	Estimated Premium <input checked="" type="checkbox"/> Annual <input type="checkbox"/> 3 Year
SEE EXTENSION OF ITEM 4. OF THE INFORMATION PAGE - WC7754 TAXES/ASSESSMENTS/SURCHARGES				\$10,273
PENSE CONSTANT (EXCEPT WHERE APPLICABLE BY STATE)	\$338 MA			
MINIMUM PREMIUM	\$875 NY			
TOTAL ESTIMATED PREMIUM				\$362,045

Indicated below, interim adjustments of premium shall be made:

☐ Semi-Annually

☐ Quarterly

☐ Monthly

DEPOSIT PREMIUM

\$362,045

07/21/09 BOSTON

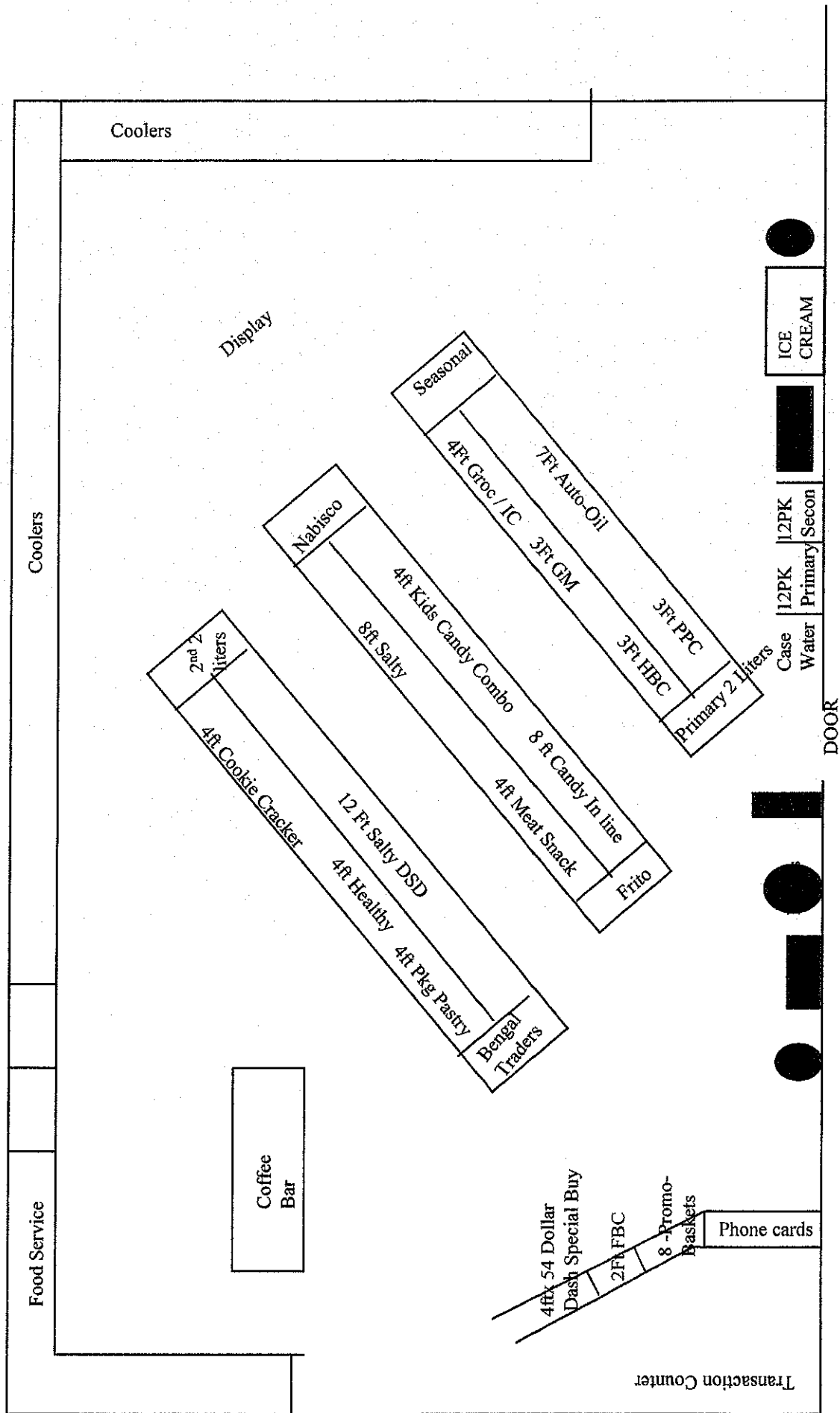
04

Issue Date

Issuing Office

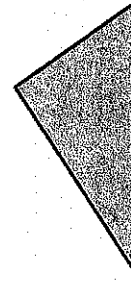
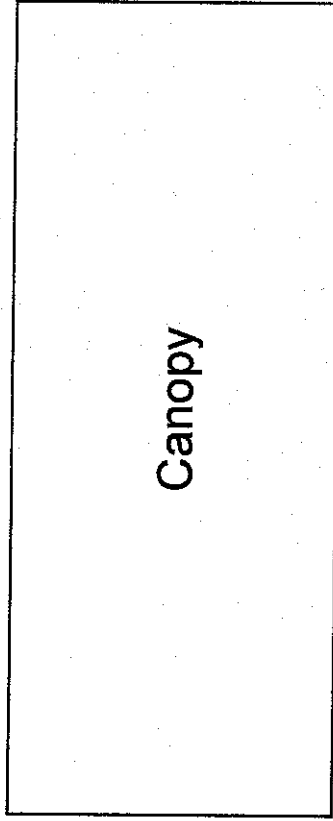
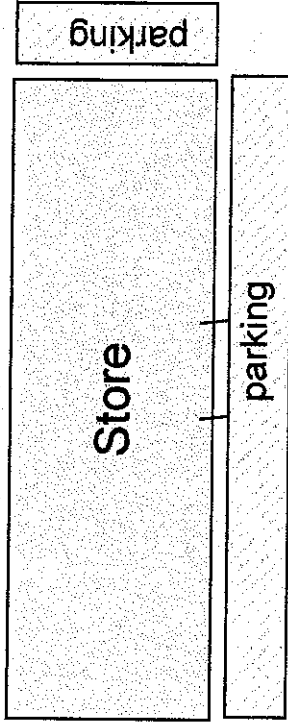
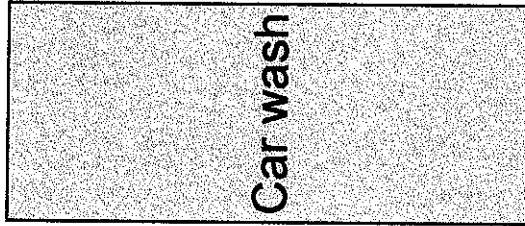
Authorized Representative

WC 00 00 01



**New England Market, Peter Kempton**  
**3000 Sq Ft Site # 12369(Tyngsboro, MA)**

12369, Tyngsboro, MA



Entrance/Exit

Entrance/Exit

95-97 Westford Street

TOWN OF TYNGSBOROUGH  
Vehicle for Hire Application/Renewal Form

This is an application for a license to the laws governing Public Safety. Answers are under the penalty of perjury, and false answers will be just cause for not issuing or renewing licenses.

1. Name (print): Jason Harris
2. Home Address: 441 Westford St Lowell Ma.
3. Apartment # 1st fl Phone # (978) 375-5501
4. Business Address: 276 Middlesex Rd  
Zip Code: 01879 Business Phone # (978) 441-2244
5. Date of Birth: 07/13/76 and Place of Birth: Lowell
6. Mother's first name (even if deceased): Irene
7. Father's first name (even if deceased): James
8. Were you born outside the U.S.A.? Yes ☐ or No ☒  
If yes, is there on file or do you have:  
a. A probation record check from your native country: Yes ☐ No ☐  
b. A legal alien card (Green Card) authorizing status: Yes ☐ No ☐
9. MA drivers license no.:        Expires 07/13/2012
10. If a renewal please indicate you're: A. Old License #         
B. Expires:
11. Social Security #
12. Federal /State Tax Number (if applicable):
13. A list of **ALL** operators of the vehicle (details on information below) along with a photocopy of a Massachusetts Driver License.  
DETAIL: a) Name, Address, City/Town, Zip Code, Phone #, Apt. #  
b) Height, Weight, Eye Color, Hair Color and Complexion  
c) Social Security #, Place of Employment, Employer's Phone #.  
d) Have you been convicted of any Crimes, or Motor Vehicle Violation(s) Yes ☐ or No ☐. If yes give details.
14. It is necessary to provide a list detailing **ALL** the following information:  
Vehicle – year, type, color, and registration number.  
a) Vehicle's – Insurance Police Carrier and Police Number  
b) Where the vehicles are housed or parked.

15. Have you ever operated a vehicle for hire before? Yes ✓ or No \_\_\_\_\_  
If yes where: Lowell

I certify under the penalties of perjury that I, to the best of my knowledge and belief, have filed all State Tax Returns and Paid all State Taxes required by law.

Date: 5/13/10 Signature: Jason J Harris

I certify that I have read and agree to comply with all the Rules and Regulations of the Vehicles for Hire License in the Town of Tyngsborough.

I certify that I have read through the conditions included with license and agree to comply with any further stipulations that the Licensing Authority may from time to time approve.

I hereby authorize the Licensing Authority or their agent to conduct whatever investigation or inquiry is necessary to verify the information contained in this application.

Date: 5/13/10 Signature: Jason J Harris

**TAXICABS:**

Identification Markings (Section 2-1 c)

- A. Company's name painted on both sides not less than 4 inches high and ½ inch wide.
- B. Owners name painted on both sides not less than 4 inches high and ½ inches wide.
- C. Massachusetts license plate affixed to both front and back of taxi.
- D. Current valid Massachusetts State Inspection Sticker.
- E. No owner of a licensed taxicab shall paint his vehicle in a color or design so as to resemble other licensed taxicabs.
- F. All taxicabs using the same business name must be painted with identical colors and identical markings and in such a way as to be obviously distinguishable from another company.
- G. Passengers must be able to unlock poser locked doors from the inside.

LICENSE CONDITIONS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Fee Paid \$ \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Building Commissioner's Approval \_\_\_\_\_ Date \_\_\_\_/\_\_\_\_/\_\_\_\_  
Comments if any: \_\_\_\_\_

Police Chief's Approval \_\_\_\_\_ Date \_\_\_\_/\_\_\_\_/\_\_\_\_  
Comments if any: \_\_\_\_\_

Town Collector's Approval \_\_\_\_\_ Date \_\_\_\_/\_\_\_\_/\_\_\_\_  
Comments if any: \_\_\_\_\_

Adopted – November 3, 1997



# CERTIFICATE OF LIABILITY INSURANCE

OP ID CB  
HARRJA1

DATE (MM/DD/YYYY)  
05/13/10

**PRODUCER**  
Francis Provencher Insurance  
Agency, Inc.  
530 Rogers Street  
Lowell, MA 01852  
Phone: 978-459-8681 Fax: 978-454-9343

INSURED

Jason J. Harris  
dba Harris Limousine  
PO Box 2087  
Lowell MA 01851

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

## INSURERS AFFORDING COVERAGE

NAIC #

INSURER A: Hanover Insurance

INSURER B:

INSURER C:

INSURER D:

INSURER E:

## COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED, NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

NSR ADD'L LTR INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YYYY)	POLICY EXPIRATION DATE (MM/DD/YYYY)	LIMITS
	<b>GENERAL LIABILITY</b> <input type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC				EACH OCCURRENCE \$ DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ PRODUCTS - COMP/OP AGG \$
A	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS		11/01/09	11/01/10	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	<b>GARAGE LIABILITY</b> <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT \$ OTHER THAN EA ACC \$ AUTO ONLY: AGG \$
	<b>EXCESS / UMBRELLA LIABILITY</b> <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE  DEDUCTIBLE RETENTION \$				EACH OCCURRENCE \$ AGGREGATE \$ \$ \$ \$
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> Y/N If yes, describe under SPECIAL PROVISIONS below				WC STATUTORY LIMITS <input type="checkbox"/> OTHER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
	OTHER				

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS  
SEE ATTACHED SCHEDULE OF VEHICLES

## CERTIFICATE HOLDER

## CANCELLATION

TYNGSBO

Town of Tyngsboro  
25 Bryant Lane  
Tyngsboro MA 01879

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 10 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

*[Signature]*

ACORD 25 (2009/01)

© 1988-2009 ACORD CORPORATION. All rights reserved.

The ACORD name and logo are registered marks of ACORD



Jason J. Harris dba  
Harris Limousine  
Hanover Policy # ABN2227644-02

				Plate #
2003	Lincoln	Town Car	1LNHM83W53Y697771	jason8
1997	Lincoln	Town Car	1LNLM81W3VY696313	jason2
1997	Lincoln	Town Car	1LNLM81W4VY753005	jason3
2008	Lincoln	Town Car	2L1FM88W88X639176	jasons
2003	Lincoln	Town Car	1LNHM82W23Y612466	jason4
2009	Ford	Expedition	1FMFU16559EA71293	jasonx
2003	Lincoln	Town Car	1LNHM81W53Y683565	jasonm
2004	Lincoln	Town Car	1LNHM81W44Y623634	jason7
2003	Ford	Van	1FBSS31L03HB04396	jason6
2000	Lincoln	Town Car	1LNHM82W8YY890845	jason5
2003	Lincoln	Town Car	1LNHM82W63Y609862	jason9
1999	Ford	Van	1FTNS2427XHB50688	jason1
2000	Lincoln	Town Car	1LNHM82W1YY837775	jasonb
1999	Lincoln	Town Car	1L1FM81W3XY709577	jasonj





Therese Gay <tgay@tyngsboroughma.gov>

---

## Limo License Application

---

Rich Burrows <rburrows@tyngsboroughma.gov>

Fri, Jun 11, 2010 at 10:46 AM

To: Therese Gay <tgay@tyngsboroughma.gov>

Terry,

Everything appears to be in order for the Vehicle for Hire application form.

Rich

[Quoted text hidden]

> NOTICE-- This message is for the designated recipient only and may contain  
> confidential, privileged or proprietary information. If you have received it  
> in error, please notify the sender immediately and delete the original and  
> any copy or printout. Unintended recipients are prohibited from making any  
> other use of this e-mail. Be advised that the Attorney General has ruled  
> that communication by e-mail in the public domain is not confidential. In  
> compliance with Federal Rules of Civil Procedure (FRCP) all email  
> communication will be archived and retained for at least three years.

Richard C. Burrows  
Deputy Chief of Police  
Tyngsborough Police Department  
20 Westford Road  
Tyngsborough, MA. 01879  
V 978-649-0188  
F 978-649-2324

</PRE>NOTICE-- This message is for the designated recipient only and may contain confidential, privileged or proprietary information. If you have received it in error, please notify the sender immediately and delete the original and any copy or printout. Unintended recipients are prohibited from making any other use of this e-mail. Be advised that the Attorney General has ruled that communication by e-mail in the public domain is not confidential. In compliance with Federal Rules of Civil Procedure (FRCP) all email communication will be archived and retained for at least three years.

---



Therese Gay <tgay@tyngsboroughma.gov>

---

## Harris Limousine

---

Gene Spickler <gspickler@tyngsboroughma.gov>

Fri, Sep 10, 2010 at 10:00 AM

To: Therese Gay <tgay@tyngsboroughma.gov>

Terry,

No delinquent taxes.

Gene

[Quoted text hidden]

[Quoted text hidden]

NOTICE-- This message is for the designated recipient only and may contain confidential, privileged or proprietary information. If you have received it in error, please notify the sender immediately and delete the original and any copy or printout. Unintended recipients are prohibited from making any other use of this e-mail. Be advised that the Attorney General has ruled that communication by e-mail in the public domain is not confidential. In compliance with Federal Rules of Civil Procedure (FRCP) all email communication will be archived and retained for at least three years.

--

Regards,

Gene

Gene R. Spickler, CMMC

Town Collector & Parking Clerk

NOTICE-- This message is for the designated recipient only and may contain confidential, privileged or proprietary information. If you have received it in error, please notify the sender immediately and delete the original and any copy or printout. Unintended recipients are prohibited from making any other use of this e-mail. Be advised that the Attorney General has ruled that communication by e-mail in the public domain is not confidential. In compliance with Federal Rules of Civil Procedure (FRCP) all email communication will be archived and retained for at least three years.

---

**PETITION FOR CHANGE OF LOCATION OR MANAGER**

**THE COMMONWEALTH OF MASSACHUSETTS**

\_\_\_\_\_  
2010

To the

**Licensing Board for the Town of Tyngsborough**

The undersigned respectfully petition for

**A change of manager for the annual restaurant all alcoholic beverage  
Carrabba's Italian Grill located at 386 Middlesex Road, Tyngsborough,  
MA from Matthew Czyzcki, Jr. to Kimberly Hanson**

**CARRABBA'S/NEW ENGLAND,  
LIMITED PARTNERSHIP**

**By its General Partner  
Carrabba's Italian Grill, LLC**

By:   
\_\_\_\_\_  
**Joseph J. Kadow  
Executive Vice President**

CERTIFICATE OF CARRABBA'S ITALIAN GRILL, LLC,  
GENERAL PARTNER OF CARRABBA'S/NEW ENGLAND, LIMITED  
PARTNERSHIP,

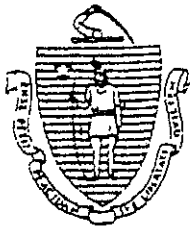
Joseph J. Kadow, Executive Vice President of Carrabba's Italian Grill, LLC, the general partner of Carrabba's/New England, Limited Partnership, (the "Licensee") hereby certifies that he is authorized on behalf of the Licensee to apply to the licensing authority for the Town of Tyngsborough for a change of manager with regard to the annual restaurant all alcoholic beverages license issued to the Licensee for the premises at 386 Middlesex Road, Tyngsborough, Massachusetts, and to do all things necessary to effectuate said change of manager or anything connected therewith. In addition, he hereby certifies as authorized representative of Carrabba's Italian Grill, LLC, the general partner of Carrabba's/New England, Limited Partnership, the Licensee, that Kimberly Hanson has been appointed as the manager and representative of the Licensee in the operation of the restaurant known as Carrabba's Italian Grill located at the above referenced premises, with the full authority and control of the premises described in the license issued to the Licensee and of the conduct of the business therein relative to the sale of all alcoholic beverages as the Licensee itself could in any way have exercised as if it were a natural person, resident of the Commonwealth, and that a copy of this certification delivered to such manager or principal representative shall constitute the written authority required by Massachusetts General Laws Chapter 138.

A TRUE COPY

CARRABBA'S/NEW ENGLAND,  
LIMITED PARTNERSHIP

By its General Partner  
CARRABBA'S ITALIAN GRILL, LLC

By: \_\_\_\_\_  
Joseph J. Kadow,  
Executive Vice President



*The Commonwealth of Massachusetts*  
*The Alcoholic Beverages Control Commission*  
239 Causeway Street, Suite 200  
Boston, MA 02114

Telephone: 617- 727-3040  
FAX: 617- 727-1258

**FORM A**  
**LICENSEE PERSONAL INFORMATION SHEET**

THIS FORM MUST BE COMPLETED FOR EACH:

- ☐ A. NEW LICENSE APPLICANT
- ☒ B. APPOINTMENT OR CHANGE OF MANAGER  
IN A CORPORATION
- ☐ C. TRANSFER OF LICENSE (RETAIL ONLY-SEC. 12 & SEC. 15)

(Please check which transaction is the subject of an application accompanying this Form A.)

PLEASE TYPE OR PRINT ALL INFORMATION

ALL QUESTIONS MUST BE ANSWERED AND TELEPHONE NUMBERS PROVIDED OR  
APPLICATION WILL NOT BE ACCEPTED.

Carrabba's/New England, Limited Partnership  
d/b/a Carrabba's Italian Grill

1. LICENSEE NAME \_\_\_\_\_  
(NAME AS IT WILL APPEAR ON THE LICENSE)
2. NAME OF (PROPOSED) MANAGER Kimberly Hanson
3. SOCIAL SECURITY NUMBER \_\_\_\_\_
4. HOME (STREET) ADDRESS 6 Burbank Way, Hooksett, NH 03106
5. AREA CODE AND TELEPHONE NUMBER (S): (Give both, your home telephone and a number at which you can be reached during the day).  
DAY TIME # 413-733-3960 HOME# 603-661-9232
6. PLACE OF BIRTH: Concord, MA 7. DATE OF BIRTH: 8/26/80
8. REGISTERED VOTER: X YES \_\_\_\_\_ NO 8A. WHERE?: Bedford, NH
9. ARE YOU A U. S. CITIZEN: X YES \_\_\_\_\_ NO
10. COURT AND DATE OF NATURALIZATION (IF APPLICABLE): \_\_\_\_\_  
(Submit proof of citizenship and/or naturalization such as Voter's Certificate, Birth Certificate or Naturalization Papers)

(Over)

11. FATHER'S NAME: Michael John Hanson 12. MOTHER'S MAIDEN NAME: Diane Lynn Sparrow

13. IDENTIFY YOUR CRIMINAL RECORD, (Massachusetts, Military, any other State or Federal): ANY OTHER ARREST OR APPEARANCE IN CRIMINAL COURT CHARGED WITH A CRIMINAL OFFENSE REGARDLESS OF FINAL DISPOSITION:  
       YES        ☒ NO (MUST CHECK EITHER YES OR NO)

IF YES, PLEASE DESCRIBE OFFENSE (S) SPECIFIC CHARGE AND DISPOSITION (FINE, PENALTY, ETC.)

N/A

14. PRIOR EXPERIENCE IN THE LIQUOR INDUSTRY:        ☒ YES        NO  
IF YES, PLEASE DESCRIBE:

I have been employed in the restaurant industry for over ten years. I am

I am also a Certified ServSafe Alcohol Education Instructor.

15. FINANCIAL INTEREST, DIRECT OR INDIRECT, IN THIS OR ANY OTHER LIQUOR LICENSE, PERMIT OR CERTIFICATE:        YES        ☒ NO

IF YES, PLEASE DESCRIBE:       

16. EMPLOYMENT FOR THE LAST TEN YEARS (Dates, Position, Employer, Address and if known, Telephone Numbers):

Please See Attached Exhibit

17. HOURS PER WEEK TO BE SPENT ON THE LICENSED PREMISES:        60

18. I HEREBY SWEAR THAT UNDER THE PAINS AND PENALTIES OF PERJURY THAT THE INFORMATION I HAVE GIVEN IN THIS APPLICATION IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF

BY:       

PROPOSED MANAGER SIGNATURE

8/23/10

DATE

**Exhibit**  
**Employment History for Kimberly Hanson**

**November 2008 - September 2010**

Manager  
Carrabba's Italian Grill  
955 Riverdale Street  
West Springfield, MA 01089

**March 2003 - November 2008**

Manager, Server, Training Director  
Carrabba's Italian Grill  
2 Upjohn Street  
Bedford, NH 03110  
401-354-9635

**Training Director (June 2007 - October 2008)**

Carrabba's Italian Grill  
NH, CT, MA and RI

**Assistant Manager (September, 2006 - June, 2007)**

Carrabba's Italian Grill  
Manchester, CT  
860-643-4100

**Assistant Manager (August 2005 - September 2006)**

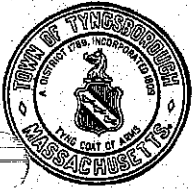
Carrabba's Italian Grill  
West Springfield, MA  
413-733-3960

**Manager in Training (March 2005 - August 2005)**

Carrabba's Italian Grill  
Tyngsborough, MA  
978-649-8388

**May 1999 - January 2004**

Bartender  
Derryfield Country Club  
625 Mammoth Road  
Manchester, NH 03104



William F. Mulligan  
Chief of Police

# *Town of Tyngsborough*

*Police Department  
20 Westford Road*

*Tyngsborough, Massachusetts 01879-0549*



TEL: (978) 649 - 7504  
FAX: (978) 649 - 2324

To: Michael Gilleberto BOS  
From: Chief William F. Mulligan  
Re: Appointment of Reserve Officers  
Date: August 27, 2010

2010 AUG 30 PM 5:29  
TYNGSBOROUGH, MA.

I am requesting the Board of Selectmen appoint the following persons to become Reserve Officers Kevin Ronan, David Salvucci, Nathan Abdallah and Daniel Whitman with the Tyngsborough Police Department.

These candidates are in various stages of training. Once these candidates have completed training, we will start training three new candidates.

The Reserve program is relatively new in the past I have asked that candidates be appointed Reserve Officers at the end of their training. I now believe it would be best to have the Board of Selectmen appoint these candidates before we start the training. During training they are assigned to ride with a Field Training Officer, they are armed, wearing a police uniform as well as performing the duties of a patrol officer. If for some reason a candidate should not complete training we can requested they be removed from the Reserve List.

Once I have all the candidates trained I would like to bring them before the Board of Selectmen to do an introduction. We should have seven candidates to bring before the Board of Selectmen; I will give a short over-view of each candidate. If you or the members of the Board of Selectmen have any questions or concerns with this procedure please let me know.



**DANIEL J. WHITMAN**

Phone

**EDUCATION:**

**University of Massachusetts**, Lowell, MA

Master of Arts in Criminal Justice

December 2010

Bachelor of Science in Political Science & Legal Studies

May 2006

**Reading, MA Police Academy**, Reading, MA

Reserve – Intermittent Police Academy Certificate

February 2010

**Tyngsborough High School**, Tyngsborough, MA

High School Diploma

June 2002

**EMPLOYMENT HISTORY:**

**Institute of Contemporary Art**, Boston, MA

February 2008 to present

**Safety and Security Manager**

- Worked closely with Boston Police Department during multiple homicide investigations which took place in the immediate area around the museum
- Work closely with Boston Fire Department in order to ensure that the museum is in compliance with Massachusetts Fire Codes
- Work closely with Boston Emergency Medical Services during medical emergencies
- Respond to, and orchestrate all aspects of medical incidents
- Create and maintain all final medical and security incident reports
- Manage scheduling and payroll of security staff including special and unexpected events
- Maintain standards of appearance, training, and performance of security staff
- Created, updated, and implemented all current Security Post Orders and Safety Evacuation Procedures
- Interact with patrons on a personal level in order to solve any complaints or concerns that they may encounter throughout their experience at the museum
- Maintained an open line of communication between security and museum staff

**WHISKEY PARK**, Boston, MA

August 2004 to July 2008

**Security Manager**

- Managed the security operations of a fast paced corporate night club
- Managed the scheduling of security personnel
- Interacted with clients such as professional athletes and their security staff in order to provide a secure experience

**STATE STREET FINANCIAL**, Boston, MA

October 2006 to February 2008

**Fund Accountant**

- Perform daily accounting duties to calculate financial reports.
- Use trouble-shooting strategies to prevent and resolve any errors in financial records.
- Work closely with a high-level wealth management company with products and services offering in institutional services, international services, and investment counsel.
- Ensure accurate and timely completion of accounting tasks such as booking and instructing trades, capital stock, and expenses.
- Work with Foreign Currency, Mortgage Back Securities, and Equity Funds.

**SKILLS:**

Strong interpersonal skills  
Personal and persuasive negotiator  
Strong team work advocate and possesses leadership skills  
Work at a high level of efficiency with attention to detail and tactfulness  
Ability to learn quickly and easily

**COMPUTER SKILLS:**

Microsoft Office Suite, including Outlook, Word, Excel, and PowerPoint  
Simplex Fire Panel Experience  
Closed Circuit Television

**CERTIFICATIONS:**

Massachusetts MPTC Certified Reserve/Intermittent Police Officer  
Massachusetts License to Carry Class A; License Number: 12024182A  
New Hampshire Non-Resident Pistol Permit; Number: NR 108967  
Monadnock Advanced Baton  
Oleoresin Capsicum Spray  
First Responder  
National Heart Association CPR/AED  
Red Cross CPR/AED

**AFFILIATIONS:**

International Foundation for Cultural Property Protection Member  
Tyngsborough Sportsmen's Club Member  
National Rifle Association Member  
National Honor Society, Tyngsboro High School  
Peer Leadership, Tyngsboro High School  
Varsity Basketball Captain, Tyngsboro High School  
Amateur Athletic Union Member  
Bay State Games Participant

***References provided upon request.***

David R. Salvucci

e Gmail

mas  
✓

## Objective

A Position as a Reserve Police Officer.

## Education

University of Massachusetts, Lowell

Bachelor of Science: Criminal Justice Cum GPA: 3.4

Summer 06

Minor: Legal Studies

## Law Enforcement Experience

Middlesex Sheriff's Office, Billerica, MA

2/08 - Present

Deputy Sheriff Correction Officer

- Completed a 26-Week Training Academy
- NERPI Reserve Academy Certified
- Work In and Out of the facilities. Working Police Details for Local Towns and State
- Trained in Defensive Tactics / O.C. / Baton / 40 Hour Firearm / Etc.

Lowell Police Department, Lowell, MA

1/16/06 -- 5/3/06

Internship -- Evidence Response Unit

- Experienced everyday police routines
- Witnessed police and Crime Scene investigations
- Had the opportunity to interact with various departments within the force

Nashua Police Department, Nashua, NH

Fall 2004

Alcohol Sting Operation

- Experienced the size and diversity of the city of Nashua
- attempted to purchase alcohol as an underage college student in restaurants and bars
- worked with undercover police officers

## Other Work Experience

Arbella Insurance, Westborough, MA

10/06 -- 2/08

Claims Adjuster

- Research and determines validity of claims while providing above average customer service.

Cabot Stain, Newburyport, MA

5/05 -- 8/05

Coatings Maker

(summer)

- Responsible for mixing and quality control of paint

Kraft Foods / Nabisco, Haverhill, MA

8/03 -- 9/04

Sales Representative

(summer & part-time)

- Worked without supervision all over Eastern and Western Massachusetts
- Ordered products and maintained product displays

Ideal Concrete Block, Westford, MA

2002, 2003

- General Yard Work with forklift experience.

(summers)

## Achievements & Certifications

Alpha Phi Sigma National Honor Society

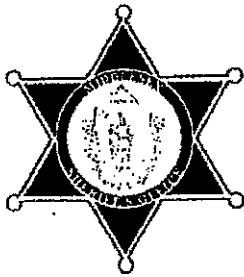
Fall 2005

Massachusetts Civil Service Police Score -- 99%

4/09

EMT -- Basic

5/3/08 - Present



**THE COMMONWEALTH OF MASSACHUSETTS**  
**MIDDLESEX SHERIFF'S OFFICE**  
**PROFESSIONALISM, RESPECT, FAIRNESS, INTEGRITY**  
**34<sup>th</sup> Basic Training Class**

**James V. DiPaola**  
**Sheriff**

Name: David Salvucci

<b>Subject:</b>	<b>Dates of Certification</b>
Use of Force:	3/20/08
Incident Command System	4/7/08
CPR	3/11/08
1 <sup>st</sup> Responder	5/2/08
Chemical Agent	7/23/08
Firearms (semi-automatic)	7/14/08
Restraints	7/23/08
Baton	7/23/08
Defensive Tactics	7/23/08
Recruit Fire Safety Training	6/16/08 & 6/18/08
Criminal Law	6/6/08
Advanced Driver Training	7/8/08
Patrol Procedures	7/24/08
AED	5/2/08
Move Team	6/9/08
Emergency Response Belt	5/2/08
Emergency Restraint Chair	5/2/08
Academy Graduation	8/11/08

**Kevin M. Ronan**

Home Phone:-----  
Cell Phone:-----

**Objective**

To make use of my skills, training, and experience as a Public Safety Dispatcher for the town of Tyngsborough.

**Qualifications**

- Completed training and currently employed as an Emergency Medical Technician
- Working towards Paramedic certification
- Extremely compassionate and empathetic
- Experience in outstanding customer service with excellent communication skills as the co-owner (silent partner) of Salon Renee

**Employment**

2007- Present: EMT Action Ambulance, Wilmington, MA

- Responding to 911 calls in emergency situations
- Transporting patients to and from hospitals
- Treating ill and injured with kindness and consideration

2005 -- Present: Co-owner Salon Renee, Tewksbury, MA

- Overseeing and managing the staff in a busy hair salon
- Intervening and troubleshooting problems as they arise with customers

1998-2006: Union Journeyman Carpenter, Labor Inc., Newton, MA

- Framing and drywall construction in commercial buildings.

**Education**

2007- Present: Emergency Medical Technician Program of Studies  
Paramedic, EMTS, Inc. Woburn, MA

2006-2007: Emergency Medical Technician, Basic Program  
Middlesex Community College, Lowell, MA

1993: Diploma, Tewksbury Memorial High School Tewksbury, MA

**References Provided Upon Request**

mrs ✓

**Nathan A. Abdallah**

• Phone no :                      - Email :

**PROFILE**

-Extremely Motivated -Team Player -Highly Energetic -Positive Attitude

**WORK HISTORY**

**Merrimack College Police Department - North Andover, MA , Jul 2006 - Present**

**Full-Time Police Officer/Certified Dispatcher**

- Patrol a specific area of foot/bicycle/cruiser to prevent and discover the commission of crime.
- Answer calls and complaints regarding various crimes and/or quality of life issues.
- Administer first aid, conduct preliminary investigations, gather evidence/witnesses.
  - Issue motor vehicle citations/parking violations.
  - Arrest, forcibly if necessary, any criminal violators.
  - Maintain police log efficiently.

**Methuen Police Department - Methuen, MA , Sep 2001 - Jul 2008**

**Police Explorer**

- Supervise, acquired the rank of Captain.
- Strictly volunteer work.
- Assist and augment the police department.
- Assisting the community with local events and parades.
- Attend a yearly Explorer Police Academy.
- Familiarization with the Law Enforcement field and it's goals.
- Public Relations

**Capellinis Italian Restaurant - Methuen, MA , Apr 2004 - Dec 2007**

**Food Server/Front Desk Attendant**

- Check patron's identification in order to ensure that they meet the minimum age requirements for consumption of alcohol.
- Greet and seat customers with a positive attitude.
  - Assign seating in a specific rotation.
  - Maintain a clean and effective work area.
  - Take orders and serves food.
  - Respond to requests and complaints.
- Maintain a cash drawer and handle large amounts of money.

**Neptune Police Supply - Haverhill, MA , May 2001 - Nov 2003**

**Retail/Stock**

- Answer customers questions about merchandise and advise customers on merchandise selection.
- Replenish shelf's/merchandise when needed.

- Inventory of stock.
- Maintain accurate amount of merchandise.
- Ensuring proper fitting of uniforms for customers.
- Traveling to various police departments in NH and MA, outfitting the agency.

### **EDUCATION**

#### **Bachelor of Criminal Justice**

University of Massachusetts, Lowell, MA - Sep 2007 - Present

GPA: 3.0

Criminal Justice/Law Enforcement

Minor: Business

#### **Associates of Criminal Justice**

Northern Essex Community College, Haverhill, MA - Sep 2005 - Jun 2007

Associates of Criminal Justice

Law Enforcement Certificate

### **SKILLS**

- Snowmobiling
- Golf
- Woodworking
- Traveling
- Boating

### **ACHIEVEMENT**

- Massachusetts Reserve Police Academy  
(N.E.R.P.I)
- Incident Command System Certification  
(IS-700 and IS-800B.)
- C.O.B.W.E.B (Police Mountain Bike  
School)
- Certified First Responder; CPR/AED
- Volunteer Work (7years)

### **REFERENCES**

Available on request.

2010 AUG -6 PM 2:01

WALTON, RICHARD  
TYNGSBORO, MA.

July 26, 2010

Tyngsboro Selectmen

Our intention is to open a small farm stand as shown in the photos. We would like to place our stand at 138 Middlesex Road. Depending upon our success, we may be interested in purchasing the property and opening year-round.

Our farm stand will offer fresh local produce, baked goods, breads, cookies, etc. We hope to promote items from local people when available, Massachusetts, New Hampshire, Vermont. We will try to hire local people, both adults and young people both full and part time.

Our goal is to offer fresh farm stand goods at reasonable prices. We grow some of our own vegetables. Our land is donated to us to keep our costs down. We hope to someday purchase some land in western Massachusetts.

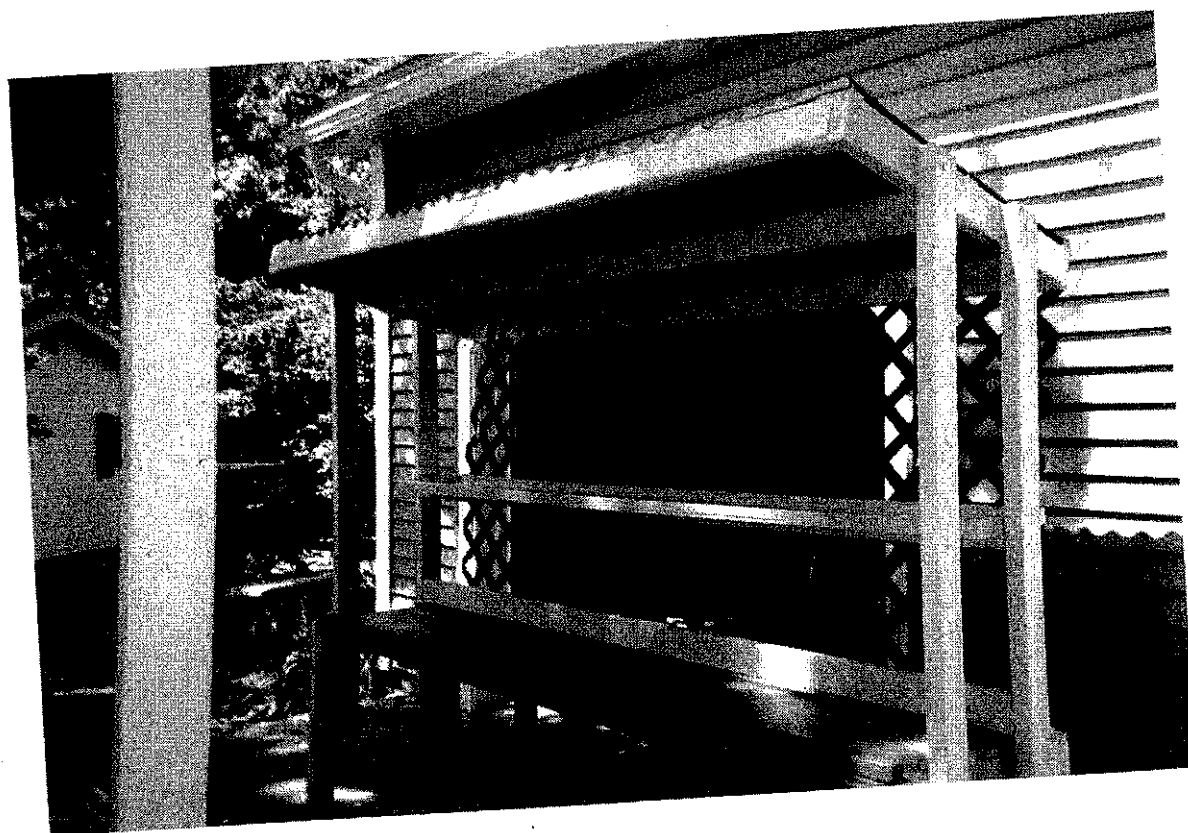
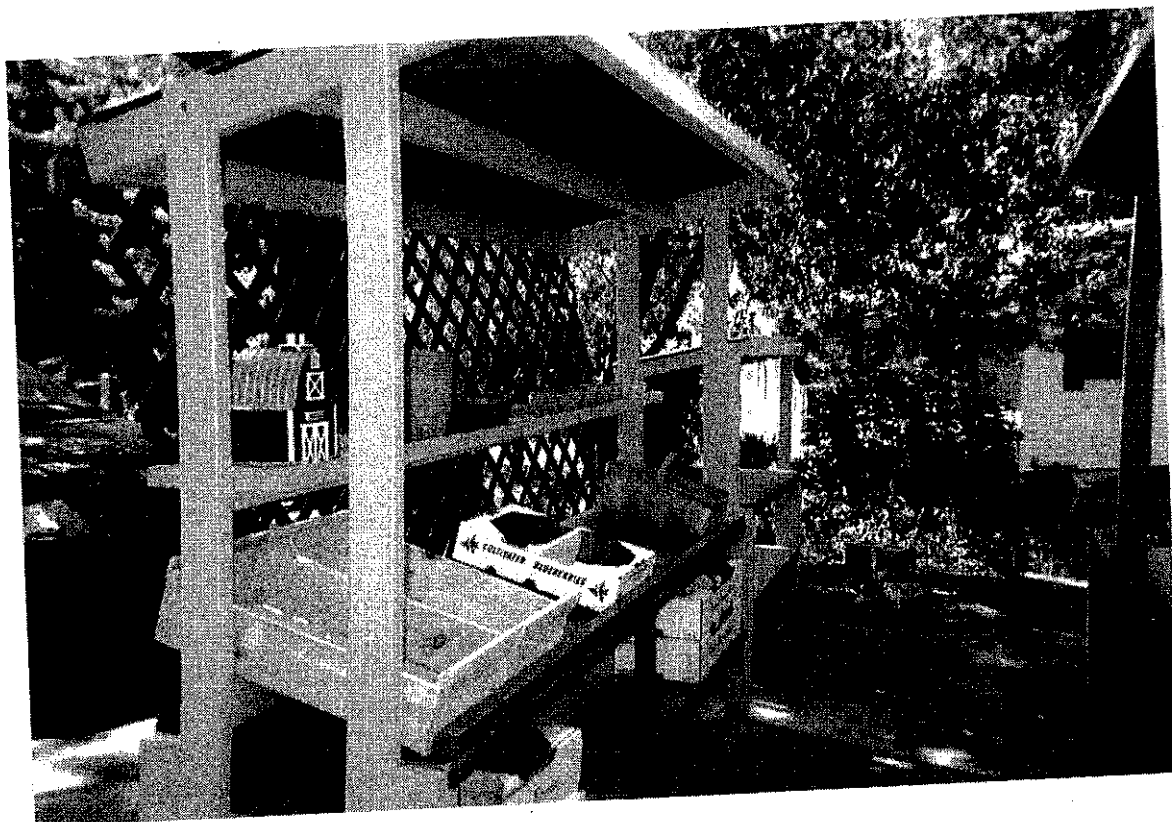
I have worked on vegetable, poultry and dairy farms in New Hampshire most of my life, and after many years of working for someone else, I feel it is time to do it for myself.

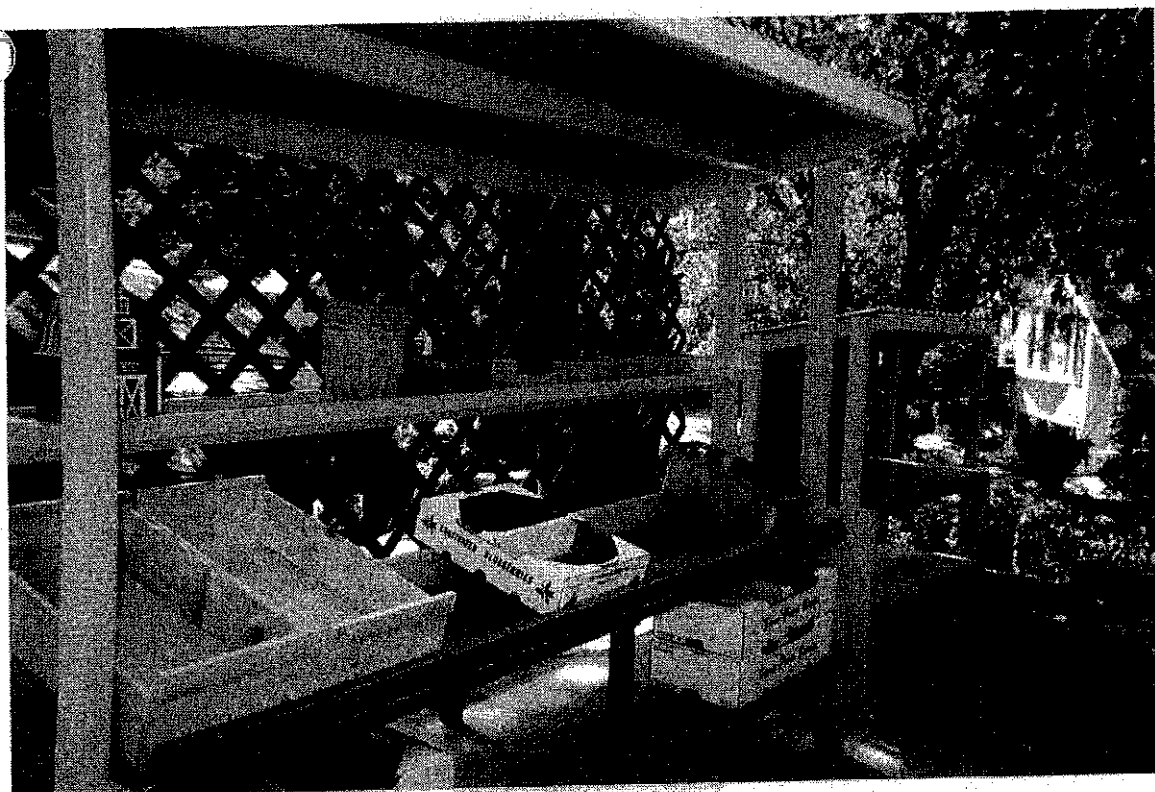
We hope you will consider us for your community.

Thanks,

Rich Bailey









Therese Gay <tgay@tyngsboroughma.gov>

## Questions on Pedlers License

Jacqueline R. Zaroulis <charles.zaroulis@verizon.net>

Mon, Jul 26, 2010 at 5:37 PM

To: Therese Gay <tgay@tyngsboroughma.gov>

Dear Terry,

This E-mail is in response to your E-mail of July 19, 2010, seeking direction. Please advise as to the person's name (to avoid any conflict of interest).

The facts presented are:

A gentleman who has a farm in New Hampshire wishes to set up a stand on Middlesex Road.

First, in response to your question, M.G.L. c. 101, § 5, does not require an acceptance by the Town Meeting. I assume that the Board of Selectmen has not adopted any regulations or fee schedule for Hawkers and Pedlers.

Second, I also note, without addressing any zoning issues, that M.G.L. c. 101, § 15, does not apply to any person who peddles only fish obtained by his own labor or that of his family, or fruits, vegetables, or other farm products raised or produced by himself or his family.

See also Zoning By-Laws, Section 4.18.20, which is applicable to farm stands "in sales of primarily locally grown produce ... **not** located on the property where ... grown ... and shall require a special permit by the Board of Selectmen ... except ... this section shall not apply to properties ... exempt under M.G.L. c. 40A, § 3. (My emphasis)

M.G.L. c. 40A, § 3, reads in part:

No zoning ... bylaw shall unreasonably regulate ... use of land for the primary purpose of agriculture ... including those facilities for the sale of produce ... provided that during the months of June, July, August and September ... or during the harvest season of the primary crop raised **on** the land of the owner or lessee, ... have been produced by the owner or lessee of the land on which the facility is located ... or at least 25 per cent of such products for sale ... have been produced in Massachusetts on land other than that on which the facility is located, ... except that all such activities may be limited to parcels of 5 acres or more in area not zoned for agriculture. ...

By separate letter I will send to you a memorandum on transient vendors, hawkers, and pedlers.

Charles

Charles J. Zaroulis, Esq.  
40 Church Street, Suite 500  
Lowell, Massachusetts 01852-2686  
Tel: 978.458.4583  
Fax: 978.937.0950  
E-mail: [charles.zaroulis@verizon.net](mailto:charles.zaroulis@verizon.net)

## REQUEST FOR COMMENT FORM

FORM L - 2

To: Inspectional Department  
From: Board of Selectmen  
Date: 8 / 4 / 2010  
Re: Request for Comment

BOARD OF SELECTMEN  
TYNGSBOROUGH, MA.

TYPE OF LICENSE: Special Permit  
APPLICANT(S) NAME: Rich Bailey  
OWNER(S) NAME: Rich Bailey  
NAME OF BUSINESS: proposed farm stand  
BUSINESS ADDRESS: at 138 M. Idlessex Rd

## Department:

The Board of Selectmen has received an application for a(n) License/Permit. The Board requests that your Department review the application and make any comments on it below and if necessary attach a separate sheet.

Please return by: 8 / 16 / 2010

If your Agency Must take action prior to issuance of this license please so indicate action.

COMMENTS: No Comments at this time.

Prepared by: Pamela Berman (Print)  
Signature: Pamela C. Berman

Date: 8 / 5 / 10

Department Head: Steve Docco (Print)  
Signature: [Signature]

Date: 8 / 5 / 2010

Cc: ☐ ACO ☐ Conservation ☐ TFD  
☐ Assessors ☐ DPW ☐ TPD  
☐ ZBA ☐ Historical ☐ Town Clerk  
☐ Health ☒ Planning Bd. ☐ Other ( )  
☐ Bldg. Comm. ☐ Planner  
☐ Collector ☐ Sewer Comm.

**RECEIVED**

Tyngsborough  
Planning Board

8-5-10

## REQUEST FOR COMMENT FORM

To: Inspectional Department  
 From: Board of Selectmen  
 Date: 8/4/2010  
 Re: Request for Comment

TYPE OF LICENSE: Special Permit  
 APPLICANT(S) NAME: Rich Bailey  
 OWNER(S) NAME: Rich Bailey  
 NAME OF BUSINESS: proposed farm stand  
 BUSINESS ADDRESS: at 138 M. Idlessex Rd

## Department:

The Board of Selectmen has received an application for a(n) License/Permit. The Board requests that your Department review the application and make any comments on it below and if necessary attach a separate sheet.

Please return by: 8/16/2010

If your Agency Must take action prior to issuance of this license please so indicate action.

COMMENTS: QUESTION ON PARKING / TRAFFIC / ACCESS

Prepared by: P. SANDS (Print) Date: 8/5/10

Signature: [Signature]

Department Head: [Signature] (Print) Date:     /     /    

Signature: [Signature]

Cc: <input type="checkbox"/> ACO	<input type="checkbox"/> Conservation	<input checked="" type="checkbox"/> TFD
<input type="checkbox"/> Assessors	<input type="checkbox"/> DPW	<input type="checkbox"/> TPD
<input type="checkbox"/> ZBA	<input type="checkbox"/> Historical	<input type="checkbox"/> Town Clerk
<input type="checkbox"/> Health	<input type="checkbox"/> Planning Bd.	<input type="checkbox"/> Other ( <u>          </u> )
<input type="checkbox"/> Bldg. Comm.	<input type="checkbox"/> Planner	
<input type="checkbox"/> Collector	<input type="checkbox"/> Sewer Comm.	

# REQUEST FOR COMMENT FORM

FORM L - 2

To: Inspectional Department  
From: Board of Selectmen  
Date: 8/4/2010  
Re: Request for Comment

**RECEIVED**  
AUG 04 2010  
TYNGSBOROUGH  
TOWN COLLECTOR

TYPE OF LICENSE: Special Perm. +  
APPLICANT(S) NAME: Rich Bailey  
OWNER(S) NAME: Rich Bailey  
NAME OF BUSINESS: proposed farm stand  
BUSINESS ADDRESS: at 138 M. Idlessex Rd

## Department:

The Board of Selectmen has received an application for a(n) License/Permit. The Board requests that your Department review the application and make any comments on it below and if necessary attach a separate sheet.

Please return by: 8/16/2010

If your Agency Must take action prior to issuance of this license please so indicate action.

COMMENTS: No delinquent taxes due for  
landowner or their property.

Prepared by: GVS (Print) Date:     /     /      
Signature: GVS

Department Head: Gene R. Sprickman (Print) Date: 8/4/10  
Signature: Gene R. Sprickman

Cc: ☐ ACO ☐ Conservation ☐ TFD  
☐ Assessors ☐ DPW ☐ TPD  
☐ ZBA ☐ Historical ☐ Town Clerk  
☐ Health ☐ Planning Bd. ☐ Other (            )  
☐ Bldg. Comm. ☐ Planner  
☒ Collector ☐ Sewer Comm.

# REQUEST FOR COMMENT FORM

FORM L-2

2012 AUG-5 PM 3:22

MASS. BOARD OF SELECTMEN  
TOWN OF SOUTH MA.

To: Inspectional Department  
From: Board of Selectmen  
Date: 8/4/2010  
Re: Request for Comment

TYPE OF LICENSE: Special Perm. +  
APPLICANT(S) NAME: Rich Bailey  
OWNER(S) NAME: Rich Bailey  
NAME OF BUSINESS: proposed farm stand  
BUSINESS ADDRESS: at 138 M. Idlessex Rd

## Department:

The Board of Selectmen has received an application for a(n) License/Permit. The Board requests that your Department review the application and make any comments on it below and if necessary attach a separate sheet.

Please return by: 8/16/2010

If your Agency Must take action prior to issuance of this license please so indicate action.

COMMENTS: BOH would require a plan review before a food permit can be issued.

Prepared by: John Kerry C. O'Neil (Print)  
Signature: [Signature]

Date: 8/5/10

Department Head: \_\_\_\_\_ (Print)  
Signature: \_\_\_\_\_

Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Cc: <input type="checkbox"/> ACO	<input type="checkbox"/> Conservation	<input type="checkbox"/> TFD
<input type="checkbox"/> Assessors	<input type="checkbox"/> DPW	<input type="checkbox"/> TPD
<input type="checkbox"/> ZBA	<input type="checkbox"/> Historical	<input type="checkbox"/> Town Clerk
<input checked="" type="checkbox"/> Health	<input type="checkbox"/> Planning Bd.	<input type="checkbox"/> Other (_____)
<input type="checkbox"/> Bldg. Comm.	<input type="checkbox"/> Planner	
<input type="checkbox"/> Collector	<input type="checkbox"/> Sewer Comm.	

# REQUEST FOR COMMENT FORM

FORM L-2

AUG-5 PM 2:34

MASS. DEPT. OF  
TOWN & COUNTY

To: Inspectional Department  
From: Board of Selectmen  
Date: 8/4/2010  
Re: Request for Comment

TYPE OF LICENSE: Special Permit

APPLICANT(S) NAME: Rich Bailey

OWNER(S) NAME: Rich Bailey

NAME OF BUSINESS: proposed farm stand

BUSINESS ADDRESS: at 138 M. Idlessex Rd

Department:

The Board of Selectmen has received an application for a(n) License/Permit. The Board requests that your Department review the application and make any comments on it below and if necessary attach a separate sheet.

Please return by: 8/16/2010

If your Agency Must take action prior to issuance of this license please so indicate action.

COMMENTS: No Comment

Prepared by: Harro (Print)  
Signature: [Signature]

Date: 8/5/10

Department Head: Harro (Print)  
Signature: [Signature]

Date: 8/5/10

Cc: ☐ ACO ☒ Conservation ☐ TFD  
☐ Assessors ☐ DPW ☐ TPD  
☐ ZBA ☐ Historical ☐ Town Clerk  
☐ Health ☐ Planning Bd. ☐ Other ( )  
☐ Bldg. Comm. ☐ Planner  
☐ Collector ☐ Sewer Comm.

CONSERVATION COMMISSION  
10 AUG-5 AM 9:39



## REQUEST FOR COMMENT FORM

To: Inspectional Department  
 From: Board of Selectmen  
 Date: 8/4/2010  
 Re: Request for Comment

TYPE OF LICENSE: Special Permit  
 APPLICANT(S) NAME: Rich Bailey  
 OWNER(S) NAME: Rich Bailey  
 NAME OF BUSINESS: proposed farm stand  
 BUSINESS ADDRESS: at 138 M. Idlessex Rd

## Department:

The Board of Selectmen has received an application for a(n) License/Permit. The Board requests that your Department review the application and make any comments on it below and if necessary attach a separate sheet.

Please return by: 8/16/2010

If your Agency Must take action prior to issuance of this license please so indicate action.

COMMENTS: I Have NO COMMENTS AT THIS TIME.

Prepared by: MANIC Dyer (Print)

Date:     /     /    

Signature: \_\_\_\_\_

Department Head: Millard (Print)

Date: 8/5/10

Signature: \_\_\_\_\_

Cc: <input type="checkbox"/> ACO	<input type="checkbox"/> Conservation	<input type="checkbox"/> TFD
<input type="checkbox"/> Assessors	<input type="checkbox"/> DPW	<input type="checkbox"/> TPD
<input type="checkbox"/> ZBA	<input type="checkbox"/> Historical	<input type="checkbox"/> Town Clerk
<input type="checkbox"/> Health	<input type="checkbox"/> Planning Bd.	<input type="checkbox"/> Other (_____)
<input checked="" type="checkbox"/> Bldg. Comm.	<input type="checkbox"/> Planner	
<input type="checkbox"/> Collector	<input type="checkbox"/> Sewer Comm.	

REQUEST FOR COMMENT FORM

FORM L-2

To: Inspectional Department  
From: Board of Selectmen  
Date: 8/4/2010  
Re: Request for Comment

BOARD OF SELECTMEN  
TOWN OF DORCHESTER, MA.

TYPE OF LICENSE: Special Permit  
APPLICANT(S) NAME: Rich Bailey  
OWNER(S) NAME: Rich Bailey  
NAME OF BUSINESS: proposed farm stand  
BUSINESS ADDRESS: at 138 M. Essex Rd

Department:

The Board of Selectmen has received an application for a(n) License/Permit. The Board requests that your Department review the application and make any comments on it below and if necessary attach a separate sheet.

Please return by: 8/16/2010

If your Agency Must take action prior to issuance of this license please so indicate action.

COMMENTS: I CAN'T SEE ANY PROBLEMS  
WITH THIS REQUEST.

Prepared by: \_\_\_\_\_ (Print)  
Signature: \_\_\_\_\_

Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Department Head: RICHARD D. GILL (Print)  
Signature: Richard D. Gill

Date: 8 / 10 / 10

Cc: ☐ ACO ☐ Conservation ☐ TFD  
☐ Assessors ☒ DPW ☐ TPD  
☐ ZBA ☐ Historical ☐ Town Clerk  
☐ Health ☐ Planning Bd. ☐ Other (\_\_\_\_\_  
☐ Bldg. Comm. ☐ Planner  
☐ Collector ☐ Sewer Comm.

# REQUEST FOR COMMENT FORM

FORM L-2

To: Inspectional Department  
From: Board of Selectmen  
Date: 8/4/2010  
Re: Request for Comment

BOARD OF SELECTMEN  
TYNDSBOROUGH, MA.

TYPE OF LICENSE: Special Permit  
APPLICANT(S) NAME: Rich Bailey  
OWNER(S) NAME: Rich Bailey  
NAME OF BUSINESS: proposed farm stand  
BUSINESS ADDRESS: at 138 M. Idlessex Rd

Department:

The Board of Selectmen has received an application for a(n) License/Permit. The Board requests that your Department review the application and make any comments on it below and if necessary attach a separate sheet.

Please return by: 8/16/2010

If your Agency Must take action prior to issuance of this license please so indicate action.

COMMENTS: NONE

Prepared by: \_\_\_\_\_ (Print)  
Signature: \_\_\_\_\_

Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Department Head: Joseph GIBBONS (Print)  
Signature: JAG

Date: 8/10/10

Cc: ☐ ACO ☐ Conservation ☐ TFD  
☒ Assessors ☐ DPW ☐ TPD  
☐ ZBA ☐ Historical ☐ Town Clerk  
☐ Health ☐ Planning Bd. ☐ Other (\_\_\_\_\_  
☐ Bldg. Comm. ☐ Planner  
☐ Collector ☐ Sewer Comm.

# REQUEST FOR COMMENT FORM

FORM L-2

To: Inspectional Department  
From: Board of Selectmen  
Date: 8/4/2010  
Re: Request for Comment

WILLIAM F. MULLIGAN  
TOWN OF LYNN, MA.

TYPE OF LICENSE: Special Permit  
APPLICANT(S) NAME: Rich Bailey  
OWNER(S) NAME: Rich Bailey  
NAME OF BUSINESS: proposed farm stand  
BUSINESS ADDRESS: at 138 M. Idlessex Rd

## Department:

The Board of Selectmen has received an application for a(n) License/Permit. The Board requests that your Department review the application and make any comments on it below and if necessary attach a separate sheet.

Please return by: 8/16/2010

If your Agency Must take action prior to issuance of this license please so indicate action.

COMMENTS: No comment

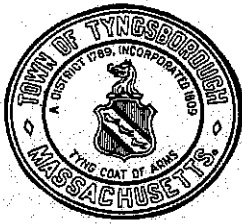
Prepared by: William F. Mulligan (Print)  
Signature: William F. Mulligan

Date: 08/06/10

Department Head: William Mulligan (Print)  
Signature: William F. Mulligan

Date: 08/06/10

Cc: ☐ ACO ☐ Conservation ☐ TFD  
☐ Assessors ☐ DPW ☒ TPD  
☐ ZBA ☐ Historical ☐ Town Clerk  
☐ Health ☐ Planning Bd. ☐ Other ( )  
☐ Bldg. Comm. ☐ Planner  
☐ Collector ☐ Sewer Comm.



# TOWN OF TYNGSBOROUGH

Office of the Selectmen

25 Bryant Lane

Tyngsborough, MA 01879

Tel: 978 649-2300 Ext. 100

Fax: 978 649-2320

Board of Selectmen Meeting Minutes

**DRAFT**

Monday July 26, 2010

6:00 P.M.

Town Offices

Members Present: Selectman Rich Lemoine, Selectwoman Elizabeth Coughlin, Selectwoman Ashley O'Neill, Selectman Rick Reault

Member Absent: Selectman Bob Jackson

Staff Present: Town Administrator Michael Gilleberto, Admin Assist. Therese Gay

The Chairman called the meeting to order, the Board was introduced and the Clerk read the Agenda.

## 1. 6:00 P.M Joint Appointment – Tyngsborough Housing Authority Member

The Housing Authority Commissioners present for the meeting were: Commissioner Rick DeLeo, Commissioner Margaret Giguere, Commissioner Michelle Reichter and Commissioner John Pelletier.

The Chair welcomed the Commissioners and the Clerk read the notice sent by the Town Clerk. The Housing Authority Commissioners held interviews of three applicants and did recommend to the Board of Selectmen their candidate, Mr. Corliss Lambert. The other two applicants were Mr. Brian Martin and Mr. Robert Bursey. The Chair invited Mr. Lambert to come up and to speak to his accomplishments and his interest in serving on the Authority. The Board thanked Mr. Lambert for his interest to serve. The Board voted on a motion by Selectman Lemoine, second by Selectwoman Coughlin to appoint Corliss Lambert to serve as a Housing Authority Commissioner. Roll Call Vote: Selectman Lemoine, yes; Selectwoman Coughlin, yes; Selectwoman O'Neill, yes; Selectman Reault, yes; Commissioner Pelletier, yes; Commissioner Reichter, yes; Commissioner Giguere, yes; and Commissioner DeLeo, yes. The Board congratulated Mr. Lambert on his appointment.

Commissioner DeLeo took a few minutes to present Selectman Lemoine a plaque for his seventeen years of service to the Tyngsborough Housing Authority. Mr. Lemoine also received Proclamation from Representative Garry and Senator Panagiotakos. Mr. Lemoine's family was present for the presentations.

## 2. 6:35 P.M. Police Department Policies and Procedures – Chief Mulligan

Chief Mulligan and Sgt Howe presented the Police Department's Policies and Procedures to the Board. The Department does follow the procedure in the manual. They are updated from time to time and the process is reviewed by the Union and Labor Counsel. The Board thanked the Chief and his department. The Board voted 4-0-1 on a motion buy Selectwoman Coughlin, second by Selectman Reault to approve the Police Department Policies and Procedures brought forth this evening by the Chief.

## 3. Discussion – New Open Meeting Laws

The Board has been notified of the new Open Meeting Laws taking effect in July of 2010. The Town Clerk has sent notices to all Board, Commissions and Committees, everyone is to read and sign the form acknowledging receipt.

4. Vote and Sign the Capital Exclusion Override Ballot Question.

The Board has received an opinion from Town Counsel that the ballot question wording cannot be changed. The Clerk read the Capital Exclusion Override Ballot Question – Shall the Town of Tyngsborough be allowed to assess an additional \$780.00 in real estate and personal property taxes for the purpose of funding the following capital appropriations: Fire Command Car (\$40,000), Highway Dump Truck (\$130,000), Highway Wash Station Completion (\$100,000), School Technology Plan (\$100,000), School Paving (\$80,000), Middlesex School Bleachers (\$80,000), High School Pierce Bleachers (\$125,000), Town Technology (\$100,000), and Town Road Plan (\$100,000), for the fiscal year beginning July first two thousand and ten? The Board voted on a motion by Selectman Lemoine, second by Selectman Reault to approve and sign the election warrant. Roll Call Vote: Selectman Lemoine, yes; Selectwoman Coughlin, yes; Selectwoman O'Neill, yes; and Selectman Reault, yes.

5. Green Communities Grant Award

The Department of Energy Resources the Green Communities Division has approved the Town of Tyngsborough's Green Communities grant request of \$161,649 to fund building envelope improvements in municipal buildings. The grant submission is for the insulation of the Town Hall and the Middle School. Selectwoman Coughlin announces the partnering of the Vocational School to assist in the renovation of the historic barn located on Middlesex Road. The Selectman will write a letter of interest to ask to be placed on a list for the students' assistant. The Board voted 4-0-1 on a motion by Selectman Reault, second by Selectwoman Coughlin to have the Town Administrator write a letter to the Vocational School's Student Coordinator Mr. O'Hare expressing the Town's desire to be placed on the project list for the restoration of the barn.

6. Federal Regulatory Energy Commission Intervener Filing for Docket P-2790

The Board received a request, from the Chair of the Energy and Environmental Affairs Committee, to file for Intervener Status specific to the licensing and operation of the hydroelectric generation facilities by Booth Hydropower, Inc. on the Merrimack River. The Board voted 4-0-1 on a motion by Selectman Reault, second by Selectwoman Coughlin to sign a letter for the Town of Tyngsborough to file for Intervener status relative to the Federal Energy Regulatory Commission (FERC) Docket P-2790 specific to the licensing and operation of the hydroelectric generation facilities by Booth Hydropower, Inc. on the Merrimack River in Middlesex County, Massachusetts.

7. Approve Minutes – Monday, March 1, 2010; Monday, March 22, 2010; Tuesday, March 30, 2010; Tuesday, April 6, 2010; Monday April 12, 2010; Monday, April 26, 2010; Monday, June 7, 2010; Monday, June 14, 2010; Monday, June 21, 2010; Monday, June 28, 2010; July 12, 2010.

The Board voted 3-1-1 on a motion by Selectman Lemoine, second by Selectwoman Coughlin to approve the minutes of March 1 to April 26, 2010. Selectman Reault abstains from.

The Board voted 4-1-1 on a motion by Selectman Lemoine, second by Selectman Reault to approve the minutes of June 7 and June 12.

The Board voted 3-1-1 on a motion by Selectman Lemoine, second by Selectman Reault to approve the minutes of June 21 and June 28. Selectman Lemoine abstains.

- Approve/Not Released Executive Session - Monday, June 7, 2010; Monday, June 12, 2010; Monday, July 14, 2010.

The Board voted 4-1-1 on a motion by Selectman Lemoine, second by Selectwoman O'Neill to approve the Executive Session and Not Release the minutes of June 7, 12 and June 14, 2010. Selectman Lemoine abstains.

- Approve and Release Executive Session - Monday, March 22, 2010; Monday, March 30, 2010; Tuesday, April 6, 2010; Monday, April 12, 2010; Monday, April 26, 2010.

The Board voted 3-1-1 on a motion by Selectman Lemoine, second by Selectwoman O'Neill to approve and release the Executive Session of March 22, 30, April 6, 12 and 26, 2010. Selectman Reault abstains.

## 8. Other Business

### A. Selectmen's Appointments

- Animal Inspector - Held
- Capital Asset Management Committee

The Board voted 4-0-1 on a motion by Selectman Lemoine, second by Selectman Reault to appoint Jacquelyn Cronin, Kerry Colburn-Dion, Ashley O'Neill, Jeff Hunt and Rob Mullin.

- Citizen's Taxation Aid Committee

The Board voted 4-0-1 on a motion by Selectwoman Coughlin, second by Selectman Lemoine to appoint Charlotte B. Chafe, Kerry Colburn-Dion, Richard J. Deleo, Jr., Pauline S. Knight and Philip F. O'Brien.

- Community Preservation Committee

The Board voted 4-0-1 on a motion by Selectwoman Coughlin, second by Selectman Reault to appoint Guy Denomme as the citizen at large. The Board received two letters of interest from two residents, Mr. Guy Denomme and Mr. Richard Lemoine.

- Conservation Commission

The Board voted 4-0-1 on a motion by Selectman Lemoine, second by Selectman Reault to appoint Brian Martin and Linda Bown. The Board received two letters of interest from two residents, Mr. Brian Martin and Ms. Linda Bown.

- Cultural Council

Board voted 4-0-1 on a motion by Selectman Lemoine, second by Selectman Reault to appoint Richard Tessier. The Board received one letter of interest from one resident, Mr. Richard Tessier.

- Economic Development

Board voted 4-0-1 on a motion by Selectman Lemoine, second by Selectman Reault to appoint Walter Eriksen and Richard Lemoine. The Board received two letters of interest from two residents, Mr. Walter Eriksen and Mr. Richard Lemoine.

- Emergency Management/Assistant Directors

The Board is currently reviewing these positions.

- Energy and Environmental Affairs Committee

The Board voted 4-0-1 on a motion by Selectwoman Coughlin, second by Selectman Reault to reappoint the members currently serving.

- Historical Commission

Board voted 4-0-1 on a motion by Selectwoman Coughlin, second by Selectman Reault to appoint Warren W. Allgrove, Jr., Marie R. Lambert and Herbert V. Morton. The Board received three letters of interest from three residents, Mr. Warren Allgrove, Mr. Herb Morton and Ms. Marie Lambert.

- Recreation and Parks Commission

Board voted 4-0-1 on a motion by Selectman Lemoine, second by Selectman Reault to appoint Matt Bogacz, Eric Estochen, Robert McNamara and E. Robert Page.

- Strategic Financial Planning Committee

Board voted 4-0-1 on a motion by Selectman Lemoine, second by Selectman Reault to re-appoint the committee. Selectwoman O'Neill will serve as the Selectman on the Committee, and appointed Karyn Puleo and Christopher Casey as members at large.

Board voted 4-0-1 on a motion by Selectman Reault, second by Selectwoman Coughlin to appoint Elizabeth Coughlin, Chairman of the EEAC as an alternate member to the NMCOG.

#### 9. Correspondence

Board voted 4-0-1 on a motion by Selectman Reault, second by Selectman Lemoine to accept the correspondence as read.

Board voted 4-0-1 on a motion by Selectman Lemoine, second by Selectman Reault to sign the Employee Letter of Disclosure for the Town Treasurer.

#### 10. Selectmen's Notes

- E. Coughlin – Energy and Environmental Affairs Committee Update

Selectwoman Coughlin announced that the EEAC has an intern working with them to assist in the gathering information on items the committee is working on. The committee has received the street light report and the reports offers some options the town may pursue.

- R. Lemoine – Economic Development Committee Update

The Economic Development Committee has met July 19<sup>th</sup> a member of the Historical Committee was present for the NMCOG presentation on the Westford Road Development. The Town is moving forward to having a code review of the barn, the committee is putting together an RFP and hope to have the historical commission participate, for the post and rail fencing along the town center corridor. Selectman Lemoine has been in contact with the members of the First Parish Church to discuss the painting of the church building, he has also been in contact with Representative Garry on the status of the building across from the bridge and the timetable of it being razed.

- R. Reault – NMCOG

Selectman Reault updated the board on the Pawtucket Blvd redesign they are one year behind and the RFP will be out in September or October. Also he saw no legal notice from the Town Clerk saying that residents could not speak and not be able to speak freely.

#### 11. Town Administrator's Report

- Response to Selectmen's Requests

Information relative to remaining appointments is included in your binder under the appropriate section.

The Capital Exclusion language has been reviewed by Town Counsel and the Town Clerk. The Town must use the template that is in your binders under that section. I am gathering contracts to be posted on the Town website. Attached please find a template of a quarterly reporting form for appointed boards and committees. A draft letter to the ABCC regarding recently-cited violations at Sun City Variety and Thirsty's is under review by Town Counsel.

- Budget Status

The Town Treasurer has examined upcoming short-term borrowing that is able to be rolled into long-term borrowing. Because our FY2011 capital funding is subject to a capital exclusion ballot question that may or may not pass, the Town can consider taking advantage of low interest rates and continue to roll over our short-term debt for another year.

- Departmental Information

Veterans' Agent: while regional discussions continue, I am requesting approval to post the attached advertisement.



Wiring and Plumbing/Gas/Inspector: temporary services are in place. After discussion with the Building Commissioner, I am requesting approval to post the attached advertisements.

○ The Board voted 4-0-1 on a motion by Selectman Reault, second by Selectman Lemoine to post the 3 vacant positions.

The Treasurer is scheduled to attend a conference August 17-19. The Board is confirmed to host the Senior breakfast on August 19<sup>th</sup> and Senator Panagiotakos will host a cookout at the Senior Center on August 9<sup>th</sup>. The Senior Tax Work-off program recruitment is underway. Highway: Jim Hustins is developing a budget and plan for resurfacing in the vicinity of Long Pond Road in August.

- Contracting/Procurement
- None at this time
- Other

See additional comment from Town Counsel regarding the pre-existing development agreement for the Westford Road parcel.

12. Executive Session to Discuss Strategy for Collective Bargaining, because holding an open meeting would have a detrimental effect and the chair so declares on record beforehand.

The Board voted 4-0-1 on a motion by Selectman Reault, second by Selectman Lemoine to enter into Executive Session to discuss strategy with respect to collective bargaining, litigation, or exempt negotiations where an open meeting will have a detrimental effect on the subject matter, the Chair so declares and to exit executive session to return to open session only to adjourn. Roll Call Vote: Selectman Jackson, absent; Selectman Lemoine, yes; Selectwoman Coughlin, yes; Selectwoman O'Neill, yes; and Selectman Reault, yes. The Board entered into executive session at 8:35 P.M.

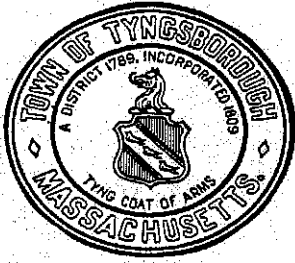
### 13. Adjournment

The Board voted 4-0-1 on a motion by Selectman Reault, second by Selectwoman O'Neill to adjourn the meeting. The Board adjourned at 11:00 P.M.

Respectfully submitted

Therese Gay  
Admin Assistant

Approved on \_\_\_\_\_



## TOWN OF TYNGSBOROUGH

Office of the Selectmen

25 Bryant Lane

Tyngsborough, MA 01879

Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320

### Board of Selectmen Executive Session Minutes **DRAFT**

Monday July 26, 2010

6:00 P.M.

Town Offices

Members Present: Selectwoman Ashley O'Neill, Selectwoman Elizabeth Coughlin, Selectman Rick Reault, Selectman Rich Lemoine.

Absent: Selectman Robert Jackson

Staff Present: Town Administrator Michael Gilleberto and Admin Assist Therese Gay

"The listing of matters are those reasonable anticipated by the Chair which may be discussed at the meeting. Not all items listed may in fact be discussed, and other items not listed may also be brought up for discussion to the extent permitted by law."

#### 1. Executive Session

The board may move to go into executive session to discuss strategy with respect to collective bargaining, litigation, or exempt negotiations if an open meeting may have a detrimental effect on such subject matters.

##### A. Collective Bargaining

The Board of Selectmen voted on a motion by Selectman Reault, second by Selectman Lemoine to enter into Executive Session for the purpose of discussing collective bargaining and return to open session only to adjourn. Roll Call Vote: Selectwoman Elizabeth Coughlin, yes; Selectwoman Ashley O'Neill, yes; Selectman Robert Jackson, absent; Selectman Rick Reault, yes; Selectman Rich Lemoine, yes. The Board entered into Executive Session at 8:35 P.M.

The Board discussed the receipt of a letter from the clerical and mid-managers union requesting compensation and restoration of hours. The clerical is looking for their step increase; their step increase is funded in the budget. Further discussions on the timing whereas their contract has expires and is there an evergreen clause in the old contract. The town did send letters to the union district looking for dates to start the negotiation process for a new contract; the union did not and did not respond. The Highway Department Union has an evergreen clause with no step and did file a grievance. The Clerical Union has an evergreen clause and step increase budgeted, has filed a grievance. The Mid-Managers union no evergreen clause and no step budgeted, has filed a grievance. The Board will need to schedule a hearing date within 21 days.

Option: deny the grievance have them go to arbitration or file an unfair labor practice, no fight did violate 158, go back to old hours and bargain.

The Board voted 4-0-1 on a motion by Selectman Reault, second by Selectwoman O'Neill to grant the Clerical Staff the step increase with out setting precedent and with out waiver of the Town Vote. Have Labor Counsel draft the letter.

The Board voted 4-0-1 on a motion by Selectman Reault, second by Selectwoman O'Neill to schedule the grievance hearing for Monday, August 16, 2010.

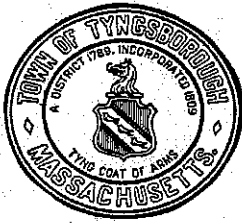
Town Administrator and Selectwoman Coughlin will sit with the Police Department on Thursday Afternoon and will negotiate with the Highway Department on Wednesday at 9:00 AM.

The Board of Selectmen voted 4-0-1 on a motion by Selectman Reault, second by Selectwoman O'Neill to exit Executive Session and return to open session only to adjourn. Roll Call Vote: Selectwoman Elizabeth Coughlin, yes; Selectwoman Ashley O'Neill, yes; Selectman Robert Jackson, absent; Selectman Rick Reault, yes; Selectman Rich Lemoine, yes. The Board exited Executive Session at 11:00 P.M.

Respectfully submitted,

Therese Gay  
Administrative Assistant

Approved on: \_\_\_\_\_



# TOWN OF TYNGSBOROUGH

Office of the Selectmen

25 Bryant Lane

Tyngsborough, MA 01879

Tel: 978 649-2300 Ext. 100

Fax: 978 649-2320

Board of Selectmen Meeting Agenda

Monday July 26, 2010

6:00 P.M.

Town Offices

1. 6:00 P.M Joint Appointment – Tyngsborough Housing Authority Member
  2. 6:35 P.M. Police Department Policies and Procedures – Chief Mulligan
  3. Discussion – New Open Meeting Laws
  4. Vote and Sign the Capital Exclusion Override Ballot Question.
  5. Green Communities Grant Award
  6. Federal Regulatory Energy Commission Intervener Filing for Docket P-2790
  7. Approve Minutes – Monday, March 1, 2010; Monday, March 22, 2010; Tuesday, March 30, 2010; Tuesday, April 6, 2010; Monday April 12, 2010; Monday, April 26, 2010; Monday, June 7, 2010; Monday, June 14, 2010; Monday, June 21, 2010; Monday, June 28, 2010; July 12, 2010.
    - \* Approve/Not Released Executive Session - Monday, June 7, 2010; Monday, June 14, 2010; Monday, July 12, 2010
    - \*\* Approve and Release Executive Session - Monday, March 22, 2010; Monday, March 30, 2010; Tuesday, April 6, 2010; Monday, April 12, 2010; Monday, April 26, 2010.
  8. Other Business
    - A. Selectmen's Appointments
      - Animal Inspector
      - Capital Asset Management Committee
      - Citizen's Taxation Aid Committee
      - Community Preservation Committee
      - Conservation Commission
      - Cultural Council
      - Economic Development
      - Emergency Management/Assistant Directors
      - Energy and Environmental Affairs Committee
      - Historical Commission
      - Recreation and Parks Commission
      - Strategic Financial Planning Committee
  9. Correspondence
  10. Selectmen's Notes
    - E. Coughlin – Energy and Environmental Affairs Committee Update
    - R. Lemoine – Economic Development Committee Update
  11. Town Administrator's Notes
    - Michael Gilleberto – Weekly Report
  12. Executive Session to Discuss Strategy for Collective Bargaining, because holding an open meeting would have a detrimental effect and the chair so declares on record beforehand
  13. Adjournment
- Future Meetings
- Selectmen's Meeting Monday, August 16, 2010 at 6:00 P.M. at Town Hall Offices
- Selectmen's Meeting Monday, September 13, 2010 at 6:00 P.M. at Town Hall Offices

# TOWN OF TYNGSBOROUGH

Office of the Selectmen

25 Bryant Lane

Tyngsborough, MA 01879

Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320

Board of Selectmen Meeting Minutes

**DRAFT**

Monday August 2, 2010

6:00 P.M.

Town Offices

Members Present: Selectman Robert Jackson, Selectman Rich Lemoine, Selectwoman Elizabeth Coughlin, Selectwoman Ashley O'Neill, and Selectman Rick Reault.

Staff present: Town Administrator Michael Gilleberto and Admin Assistant Therese Gay

## 1. 6:00 P.M. Open Meeting

Chairman O'Neill called the meeting to order, the Board was introduced and the agenda was read.

## 2. Emergency Management

The Emergency Management Director and the Assistant Director will meet with the Police Chief and Fire Chief, of the Emergency Preparedness, for recommendations before appointing the Director and Assistant. This would be beneficial as it would also give some overview of where the Emergency Preparedness is going.

## 3. Review of Agenda/Meeting Notice Format

The Board discussed the meeting notice format. Some revisions include a spot for New & Old Business in placed of other business. Correspondence will be posted on line, a spot for Committee Reports has been added, the Selectmen's reports followed by the Town Administrator's report (to be posted on line) and Executive Session. Spontaneity can bring forth as long as Chair does not know 48 hours ahead, the Board has a large latitude to discuss items not on the agenda.

## 4. Citizen/Business Time

There were no citizens or businesses come forward this evening.

## 5. 7:00 P.M. Historical Commission – Town Center

The Historical Commission was present this evening to do their presentation of their vision of the historic town center. Chairman Warren Allgrove gave an overview of the commission's accomplishments since 2000. Ms. Joy Richardson and Ms. Jill Bowen spoke on the old town hall building and gave its history. Ms. Karen Farrow Denommee spoke on the Adams Barn that was part of the shurfine store building, razed in 2009. The Barn was saved from demolition. Mr Rob Kydd spoke on the Littlefield Library the building is already occupied by the Historical Commission and is being kept up with town funds. Mr. George Dupras spoke on the falls and the presented the garden plan that has been in existence since 1995. Mr. Guy Denommee spoke on the Winslow School and how it could be transformed into a Senior Center. Mr. Allgrove wrapped up the session by commenting that the sidewalks are already up Kendall Road and can have it extended to continue the loop from Kendall, Bryant and Middlesex Road. Some question on maintenance and procurement, the Highway Department could maintain and will need legal opinion of using private funds for public buildings. And who will maintain the utilities? Donation and fund raising were two thoughts and as for the

Winslow the Recreation Dept and the Council on Aging monies from their budget but will it be enough?

Selectman Jackson thanked the commission for coming in and doing the presentation, however he has a few questions on how much it will cost and would like to see a cost analysis done on the revenue stream, will be done through corporate donations, how to maintain, do we need an engineering analysis, a structural analysis? And how does this differ from what has been done in the past?

Mr. Allgrove countered with the CPC's committing the money to the old town hall and the fees will help defray the costs. The Barn will ask the Voke School Students to become involved and the Park will be done through donations. The Littlefield Library through town funds and the Winslow bldg would have to come from Wynnbrook's portion of their senior center monies. The Winslow bldg. is large enough to house both the senior and recreation centers. And the sidewalk will use town funds and the Highway Dept. to maintain. The Winslow tennis court will be used as a community garden.

Selectman Lemoine can see the passion in everyone and being on the EDC he will make comments after. Selectwoman Coughlin asked what is being preserved since the commission is using CPC funds. Selectman Reault has no comments he is totally in favor of the project. Selectwoman O'Neill has seen many options and has heard some great ideas but how will it get done? Selectman Lemoine the commitment of the 12000 residents in Tynsborough is unique and many want to work together with the EDC on how to generate monies and take care of the old buildings. Should have a member of the Historical Commission serve on the EDC and look at designating the whole area a historical significance. Selectman Reault thanked Beverly of NMCOG for coming tonight, the barn will be renovated; the old town hall will be renovated the Littlefield Library is all set.

The Board voted unanimously on a motion by Selectman Reault to write a letter to the Wynnbrook developer to see if they will help to renovate the Winslow and to explore options to use Wynnbrook project funds for their senior center to build the senior center at the Winslow bldg. Selectman Lemoine mentioned that Wynnbrook has been talking with Senior's council for the new center.

The Board voted unanimously on a motion by Selectwoman Coughlin to refer the conceptual plan to NMCOG to review to see how it fits the overlay and bridge the two town center plans.

#### 6. Other Business

The Board received a letter from Town Counsel saying that the Board of Selectmen can sponsor a candidate night at the High School Auditorium for the candidates running for office in the September primaries. The candidates cannot campaign, or solicit monies. The candidates would be able to meet the citizens and the citizens in turn could ask questions of the candidates. Mr. Robb Kydd will moderate. The Board voted unanimously on a motion by Selectman Lemoine, second by Selectman Jackson to have the Selectmen host a candidate night on September 1 or 2, 2010. Selectman Lemoine will check for the candidates' availability.

#### 7. Correspondence

The Board voted unanimously on a motion by Selectman Reault, second by Selectman Jackson to accept the correspondence as read.

Selectwoman O'Neill asked that the letter from Westford Road Development be sent to Town Counsel for review. The Westford Road Development is donating the Potash Hill Kiln to the Historical Commission.

#### 8. Selectmen's Notes

- Selectwoman O'Neill - Strategic Financial Planning

The SFPC met last Thursday to discuss the Questions and Answers for their informational meeting on August 12<sup>th</sup> and September 7<sup>th</sup> to help inform the public about the debt exclusion

question on the September ballot. The SFPC will meet with the Board on August 30<sup>th</sup> for further discussions.

- Selectwoman Coughlin – Energy Environmental Affairs

The EEAC met last Thursday they discussed, the process of a feasibility assessment to install a wind generation facility, with NMCOG and Meridian Associates engineer. The EEAC will meet with the Planning Board on the 19<sup>th</sup>. On Sunday Selectwoman Coughlin participated in the installation of new officers at the American Legion. She also attended the Transportation Group of NMCOG, discussed a letter of support for the Route 3 Exit 36 ramp access to the Pheasant Lane Mall NMCOG is working with the NH Regional Agencies. There was some discussions on the realignment of the Pawtucket Blvd and the remedy in razing the abandoned building of Frost Road.

- Selectman Reault – NMCOG

Selectman Reault attended the NMCOG meeting last week during discussions found that there is money available for the extension of the river walk way from Lowell to Tyngsborough. NMCOG and the Town are working on updating the Affordable Housing Plan and the Housing Plan. They are formulating new regulations to assist in combining the two reports into one. A suggestion that we may need a 40B committee to work with the Selectmen and the ZBA. The Board would like to see a draft and will place it on a future agenda for review.

- Selectman Lemoine – Economic Development

The EDC is working on the fencing and signage, and RFP for the code analysis. Putting together an RFP for private funds needs lots of work and the EDC is working with NMCOG on the overlay and guide lines.

- Selectman Jackson – TECC

The TECC committee has not yet met. The School Committee is waiting for a few more members.

#### 9. Town Administrator's Notes

The Town Administrator has no report this evening.

10. Executive Session to discuss strategy with respect to collective bargaining because holding an open meeting would have a detrimental effect on the bargaining position of the public body and the chair so declares on record beforehand.

The Board voted on a motion by Selectwoman Coughlin, second by Selectman Jackson to enter into Executive Session to discuss strategy with respect to collective bargaining, litigation, or exempt negotiations where an open meeting will have a detrimental effect on the subject matter, the Chair so declares and to exit executive session to return to open session only to adjourn. Roll Call Vote: Selectman Jackson, yes; Selectman Lemoine, yes; Selectwoman Coughlin, yes; Selectwoman O'Neill, yes; and Selectman Reault, yes. The Board entered into executive session at 9:45 P.M.

- Collective Bargaining
- Contract Negotiation
- Litigation

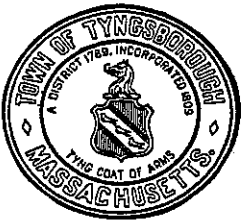
#### 11. Adjournment

The Board voted on a motion by Selectwoman O'Neill, second by Selectman Jackson to adjourn the meeting. The Board adjourned at 11:00 P.M.

Respectfully submitted

Therese Gay  
Admin Assistant

Approved on \_\_\_\_\_



# TOWN OF TYNGSBOROUGH

Office of the Selectmen

25 Bryant Lane

Tyngsborough, MA 01879

Tel: 978 649-2300 Ext. 100

Fax: 978 649-2320

Board of Selectmen Meeting Executive Session Minutes

DRAFT

Monday August 02, 2010 6:00 P.M.

Town Offices

Member Present: Selectwoman Ashley O'Neill, Selectwoman Elizabeth Coughlin, Selectman Rick Reault, Selectman Rich Lemoine, Selectman Robert Jackson.

Staff: Town Administrator Michael Gilleberto, Admin. Assistant Therese Gay

"The listing of matters are those reasonable anticipated by the Chair which may be discussed at the meeting. Not all items listed may in fact be discussed, and other items not listed may also be brought up for discussion to the extent permitted by law."

## 1. Executive Session

The board may move to go into executive session to discuss strategy with respect to collective bargaining, litigation, or exempt negotiations if an open meeting may have a detrimental effect on such subject matters.

- Collective Bargaining
- Contract Negotiations
- Litigation

The Board voted on a motion by Selectwoman Coughlin, second by Selectman Jackson to enter into Executive Session to discuss strategy with respect to collective bargaining, litigation, or exempt negotiations where an open meeting will have a detrimental effect on the subject matter, the Chair so declares. Roll Call Vote: Selectman Jackson, yes; Selectman Lemoine, yes; Selectwoman Coughlin, yes; Selectwoman O'Neill, yes; and Selectman Reault, yes. The Board entered into executive session at 9:45 P.M.

Selectwoman O'Neill and Michael, Town Administrator, sat with the SEIU on Wednesday with the 3 units together. They want hours reinstated 2010. The Board discussed the options and disadvantages to the town. By doing the 3 unions together will save hours and money. This is the first of five meetings for bargaining. The first meeting was for setting the ground rules which are basic. Everyone is comfortable with the way it is playing out and is ready to go to the second session. The Administrator is still working with the Treasurer for the steps some discussion and the Board voted 5-0-0 on a motion by Selectwoman Coughlin, second by Selectman Jackson to restore to normal step. Roll Call Vote: Selectman Jackson, yes; Selectman Lemoine, yes; Selectwoman Coughlin, yes; Selectwoman O'Neill, yes; and Selectman Reault, yes.

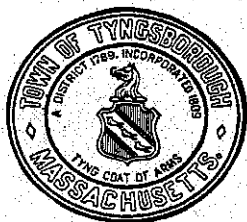
The Board had a brief discussion on resolving the PD union petition article #23 by peaceful means with an A&B unit.

The Board voted on a motion by Selectman Reault, second by Selectman Jackson to exit executive session and to return to open session only to adjourn. The Board exited the executive session at 10:50 P.M.

Respectfully submitted,  
Therese Gay  
Admin Assist

Approved on \_\_\_\_\_





## TOWN OF TYNGSBOROUGH

Office of the Selectmen

25 Bryant Lane

Tyngsborough, MA 01879

Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320

### Board of Selectmen Meeting Agenda

---

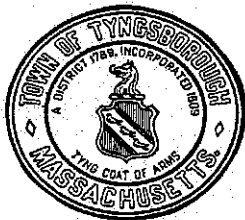
Monday August 2, 2010	6:00 P.M.	Town Offices
-----------------------	-----------	--------------

---

1. 6:00 P.M. Open Meeting
2. Emergency Management Realignment
3. Review of Agenda/Meeting Notice Format
4. Citizen Time
5. 7:00 PM Historical Commission – Town Center
6. Other Business
7. Correspondence
8. Selectmen's Notes
  - Selectwoman O'Neill – Strategic Financial Planning
  - Selectwoman Coughlin – Energy Environmental Affairs
  - Selectman Reault – Northern Middlesex Council of Governments
  - Selectman Lemoine – Economic Development
  - Selectman Jackson – The Early Childhood Center
9. Town Administrator's Notes
10. Executive Session to discuss strategy with respect to collective bargaining because holding an open meeting would have a detrimental effect on the bargaining position of the public body and the chair so declares on record beforehand.
  - A. Collective Bargaining
  - B. Contract Negotiation
  - C. Litigation
11. Adjournment

#### Future Meetings

Selectmen's Meeting Monday, August 16, 2010 at 6:00 P.M. at Town Hall Offices



# TOWN OF TYNGSBOROUGH

Office of the Selectmen

25 Bryant Lane

Tyngsborough, MA 01879

Tel: 978 649-2300 Ext. 100

Fax: 978 649-2320

Board of Selectmen Meeting Agenda

**DRAFT**

Monday August 16, 2010 6:00 P.M.

Town Offices

Member Present: Selectwoman Ashley O'Neill, Selectwoman Elizabeth Coughlin, Selectman Rick Reault, Selectman Rich Lemoine, Selectman Robert Jackson.

Staff: Town Administrator Michael Gilleberto, Admin. Assistant Therese Gay

"The listing of matters are those reasonable anticipated by the Chair which may be discussed at the meeting. Not all items listed may in fact be discussed, and other items not listed may also be brought up for discussion to the extent permitted by law."

The Chair opened the meeting and the Board was introduced. The Chair entertained a motion to enter into executive session.

## 1. 5:30 P.M. Executive Session

The board may move to go into executive session to discuss strategy with respect to collective bargaining, litigation, or exempt negotiations if an open meeting may have a detrimental effect on such subject matters.

The Board voted on a motion by Selectwoman Coughlin, second by Selectman Jackson to enter into Executive Session to discuss strategy with respect to collective bargaining, litigation, or exempt negotiations where an open meeting will have a detrimental effect on the subject matter, the Chair so declares and to exit executive session to return to open session. Roll Call Vote: Selectman Jackson, yes; Selectman Lemoine, yes; Selectwoman Coughlin, yes; Selectwoman O'Neill, yes; and Selectman Reault, yes. The Board entered into executive session at 5:35 P.M.

- Collective Bargaining

The Board of Selectmen returned to open session at 6:30 P.M.

## 2. 6:30 P.M Open Meeting

The Chair reconvened the open session and the Clerk read the agenda.

## 3. New Business

- 6:35 P.M. Massachusetts Department of Transportation presentation on current state highway projects

Representatives from Mass Dot and S&R (contractor repairing the existing bridge) were present to update the Board and answer questions on the two (2) projects in response to the Board's request. The Board sent a letter to Mass DOT inviting there representative to a Board of Selectmen meeting to update the Board on the status and schedule and plans for the Route 113 bridge reconstruction and the realignment of the Pawtucket Boulevard and; The timing of the signalized intersections on the east and west sides of the bridge. The last review of the signalization was done a year ago; signals should be interconnected but cannot answer at this time.

The demolition of the former Tyngsborough General Store building on the east side of the Route 113 Bridge. The bid has been rewritten to demo the buildings first, there is language in

the new contract to do demo first depending on the pricing and timing. The contractor is looking at what has to be done, the bid will go out on September 4<sup>th</sup> and bids will be opened in October.

The re-apportionment of utility poles and lines on the east and west sides of the Route 113 bridge. There is about 18 months of work for moving the utilities. There are 20 poles to be moved this fall, electrical, cable and Verizon has 6 to 12 months to do the switch over. The height of the poles was factored in by the height of the bridge. It was a state layout and said that no hearing was needed. Mr. Paul Steadman will receive the questions and will contact the Town Administrator.

- 7:30 P.M. Sewer Commission – presentation

Mr. Gerry Foley was present with two members of the Woodard and Curran group to present the Comprehensive Waste Water Plan. It is a town wide project to add sewer to the town. The three options were discussed and was the different funding sources to consider. The Sewer department is looking for an ad hoc committee to be formed to review and recommend a project. It is important to look at the economic development in town and it helps that we have the Green Communities Status. There have been studies on the build-out and the agreements on the capacity availability. The Board thanked the Sewer Department and Woodard and Curran representatives for their presentation.

- Verizon pole Petition –Flint Road – Will be placed on the August 30<sup>th</sup> meeting, need to notify abutters.

The Board voted unanimously on a motion by Selectman Jackson, second by Selectman Reault to set Monday, August 30<sup>th</sup>, as a hearing date.

- Conservation Commission – Cedar Street

The conservation Commission has been working on the complaints and remedies of Cedar Street located on Long Pond. It borders the Club Fleur-de-Lis. The club did repave their parking lot and has also paved the right of way and is claiming it as their property. The CC has a plan that shows the right of way and has had the way surveyed. In 1986 the right of way was accepted as a town way but later found not be accepted properly. The Commission is looking to have it accepted properly and being before the Selectmen this evening is the first step. The Selectmen need to vote to refer the plan and layout to the Planning Board.

The Board voted unanimously on a motion by Selectman Lemoine, second by Selectman Jackson to refer the proposed plan and layout of Cedar Street to the Planning Board for recommendation on the proper acceptance of Cedar Street at the Annual Town Meeting.

- Debt reissuance

The Treasurer was before the Board requesting a vote to reissue the existing general government short term debt for one year. The town is saving money by not going for the long term borrowing. The Board voted unanimously on a motion by Selectman Reault, second by Selectman Jackson to borrow the short term loan of 1.2 million dollars at a rate of 1.5% to Eastern Bank for one year.

#### **4. Citizen/Business Time**

Citizens or business owners may contact the Office of the Selectmen to request to address the Selectmen during citizen/business time. Citizens or business owners who have not contacted the Office of the Selectmen in advance may address the Board of Selectmen on matters of interest to the public for not more than five (5) minutes.

#### **5. Old Business**

- Affordable Housing Study Update

Selectman Reault gave a brief review of the Affordable Housing Plans. They are two plans and are in the process of being updated with the assistance of the Northern Middlesex Council of Governments. NMCOG would like to either work directly with the Selectmen or have the

Selectmen name a committee to work on the updating of the Affordable Housing Plans. The Board will revisit the request at the Monday, August 30<sup>th</sup> meeting.

## **6. Correspondence**

Documents are available online at [www.tyngsboroughma.gov](http://www.tyngsboroughma.gov)

Selectman Reault read the following correspondence list: DOER Green Communities grant award notice; Comcast channel lineup change and service changes; NMMPO meeting notice; Building Department yearly safety inspection notice and monthly report; PERAC early retirement memorandum; Request for traffic control; Baystate roads program flyer; MMA letter and bulletin; Board of Appeals packet; Fleur De Lis incident report; Police monthly report; Tyngsborough Housing Authority event invitation; Conservation Commission Agenda; Greater Lowell Health Alliance annual meeting invitation; Town Counsel letter on Emergency Management; NMCOC TIP meeting notice; ABCC decision regarding Thirsty's; Notice of Tyngs Dem Town Comm State Senate Candidates' night; MBTA Advisory Board "save the date"; Conservation Commission request and petition.

## **7. Selectmen's Reports**

- Selectman O'Neill – Weeks Review

The Board received an invitation to a dedication at Red Pine Terrace to A. Lucien Lacourse for his work on the Tyngsborough Housing Authority. The Board is sponsoring the Senior breakfast on August 10<sup>th</sup>. The Strategic Financial Planning Committee will be presenting to the School on August 31<sup>st</sup>, and will hold another informational meeting on September 12<sup>th</sup>.

- Selectman Coughlin – Energy and Environmental Affairs; 72 Red Gate Road

The Green Communities projects are moving forward. Diana Koehane and George Trearchis are working on a green repair grant. NMCOC is working with the Median Group on the wind and street lights. There is a drainage problem at 72 Red Gate Road that should be discussed at a future agenda.

- Selectman Reault – NMCOC – See Old Business – Affordable Housing Partnership and Affordable Housing Plan update.

- Selectman Lemoine – Economic Development

Agrees to having shorter meetings. The EDC will meet on Thursday at 6:30 PM to continue discussions on monies allocated at the Town Meeting. There will be a candidate night at the High School on September 2<sup>nd</sup> at 7:00 PM for the 4 candidates running for the Senate to be able to debate the issues.

- Selectman Jackson – TECC

The TECC is still looking for members for their committee. For future discussions the length of the Board's meetings to end at 9PM plus Executive Sessions would like to work as a board to shorten meetings or have more meetings, would like the Board to provide thought on it.

## **8. Town Administrator's Reports**

Report is available online at [www.tyngsboroughma.gov](http://www.tyngsboroughma.gov)

- Response to Selectmen's Requests

The Town employment contracts are being submitted to Labor Counsel for final review prior to posting online. The template of a quarterly reporting form for appointed boards and committees is complete and ready for use. A letter was sent to the Technical High School inviting students to participate in a couple of energy efficient projects. And a letter was sent to the Wyndbrook developer asking to reconsider re-allocating funding for a senior center from Wyndbrook to the former Winslow School location.

- Budget

The final documentation on the short-term borrowing from the Treasurer is available for Monday. The Board did vote and signed the forms on Monday night.

- Departmental Information

The Veterans' Agent has decided to not retire in October and will continue performing his duties for a few more years. Town Counsel indicates that the Town can continue to employ the incumbent Veterans' Agent. Applications for the position of Wiring and Plumbing/Gas Inspectors are coming in. I will be participating in the first round of interviews with the Sewer Dept for an Administrator on Thursday. The Board has confirmed to host the Senior Breakfast on August 19<sup>th</sup>. The Senior Work off program recruitment is underway. The Highway Dept has purchased a mid-size cement mixer which will allow us to reduce reliance on contractor assistance to lay cement. Purchase is Chapter 90 eligible. The cost was \$2,695.00. The Highway in conjunction with the Police and Fire depts. Has identified a grant opportunity for a work zone/safety emergency response equipment trailer through MIIA.

- Contracting/Procurement  
There are none at this time.
- Other

IIIA has sent a notice relative to statewide essay contest. If the Selectmen wish the Town to participate, I will forward it to the Superintendent.

The Board voted on a motion by Selectwoman Coughlin, second by Selectman Jackson to enter into Executive Session to discuss strategy with respect to collective bargaining, litigation, or exempt negotiations where an open meeting will have a detrimental effect on the subject matter, the Chair so declares and to exit executive session and return to open session only to adjourn. Roll Call Vote: Selectman Jackson, yes; Selectman Lemoine, yes; Selectwoman Coughlin, yes; Selectwoman O'Neill, yes; and Selectman Reault, yes. The Board entered into executive session at 9:55 P.M.

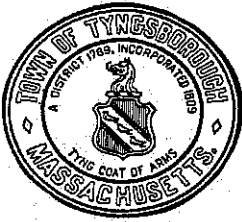
#### **9. Adjournment**

The Board voted on a motion by Selectwoman O'Neill, second by Selectman Jackson to adjourn the meeting. The Board adjourned at 10:50 P.M.

Respectfully submitted

Therese Gay  
Admin Assistant

Approved on \_\_\_\_\_



# TOWN OF TYNGSBOROUGH

Office of the Selectmen

25 Bryant Lane

Tyngsborough, MA 01879

Tel: 978 649-2300 Ext. 100

Fax: 978 649-2320

Board of Selectmen Meeting Executive Session Minutes

DRAFT

Monday August 16, 2010 6:00 P.M.

Town Offices

Member Present: Selectwoman Ashley O'Neill, Selectwoman Elizabeth Coughlin, Selectman Rick Reault, Selectman Rich Lemoine, Selectman Robert Jackson.

Staff: Town Administrator Michael Gilleberto, Admin. Assistant Therese Gay

"The listing of matters are those reasonable anticipated by the Chair which may be discussed at the meeting. Not all items listed may in fact be discussed, and other items not listed may also be brought up for discussion to the extent permitted by law."

## 1. 5:30 P.M. Executive Session

The board may move to go into executive session to discuss strategy with respect to collective bargaining, litigation, or exempt negotiations if an open meeting may have a detrimental effect on such subject matters.

- Collective Bargaining

The Board voted on a motion by Selectwoman Coughlin, second by Selectman Jackson to enter into Executive Session to discuss strategy with respect to collective bargaining, litigation, or exempt negotiations where an open meeting will have a detrimental effect on the subject matter, the Chair so declares. Roll Call Vote: Selectman Jackson, yes; Selectman Lemoine, yes; Selectwoman Coughlin, yes; Selectwoman O'Neill, yes; and Selectman Reault, yes. The Board entered into executive session at 5:35 P.M.

The Board met with the Mid-Management negotiating team to discuss step 2 of the grievance process. The Town Administrator gave an overview of the time line up to present. The mid-managers are grieving the restoration of hours and pay increase for one member. They want everyone to be treated equally, either restore everyone's hours or bring the individual back to the 2009 hours and rate. The changes were not bargained. The Board will send Labor Counsel the documents and will seek an opinion and notify the union members of the decision. The Board voted on a motion by Selectman Lemoine, second by Selectman to send documentation to Labor Counsel to review and to respond within the 10 days. Roll Call Vote: Selectman Jackson, yes; Selectman Lemoine, yes; Selectwoman Coughlin, yes; Selectwoman O'Neill, yes; and Selectman Reault, yes.

The Board voted on a motion by Selectman Jackson, second by Selectman Lemoine to exit Executive Session and to return to open session. The Board exited executive session at 6:30 P.M.

The Board voted on a motion by Selectwoman Coughlin, second by Selectman Jackson to enter into Executive Session to discuss strategy with respect to collective bargaining, litigation, or exempt negotiations where an open meeting will have a detrimental effect on the subject matter, the Chair so declares and to exit executive session and return to open session only to adjourn. Roll Call Vote: Selectman Jackson, yes; Selectman Lemoine, yes;

Selectwoman Coughlin, yes; Selectwoman O'Neill, yes; and Selectman Reault, yes. The Board entered into executive session at 9:55 P.M.

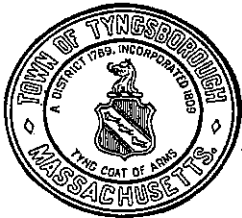
The PD negotiating team brought to the Board a request from the PD Union asking the Board to honor their contract by naming 2 to 4 Lieutenants in title only with no increase in pay. They will agree to split into a separate union unit for sergeants. The Board would like to hear from the Chief to see how that fits in his departmental chart. The PD union members did say the court hearing would be dismissed if allowed to split into a A&B units with no string attached. The Board agreed that they are willing to honor the conditions to the contract and have Labor Counsel review the letter. The Board did ask the Administrator to check the release date of the decision.

The Board voted on a motion by Selectwoman O'Neill, second by Selectman Jackson to exit executive session and to return to open session only to adjourn. The Board exited the executive session at 10:50 P.M.

Respectfully submitted,

Therese Gay  
Admin Assistant

Approved on \_\_\_\_\_



## TOWN OF TYNGSBOROUGH

Office of the Selectmen

25 Bryant Lane

Tyngsborough, MA 01879

Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320

### Board of Selectmen Meeting Notice

Monday, August 16, 2010 at 5:30 P.M.

Town Offices (25 Bryant Lane)

This listing of matters represents those items reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may in fact be discussed, and other items not listed may also be brought up for discussion to the extent permitted by law.

1. 5:30 P.M. Executive Session

The Board may move to go into executive session to discuss strategy with respect to collective bargaining, litigation, or exempt negotiations if an open meeting may have a detrimental effect on such subject matters.

- Collective Bargaining

2. 6:30 P.M Open Meeting

3. New Business

- 6:35 P.M. Massachusetts Department of Transportation presentation on current state highway projects
- 7:30 P.M. Sewer Commission – presentation
- Verizon Pole Petition – Flint Road
- Conservation Commission – Cedar Street
- Debt reissuance

4. Citizen/Business Time

Citizens or business owners may contact the Office of the Selectmen to request to address the Selectmen during citizen/business time. Citizens or business owners who have not contacted the Office of the Selectmen in advance may address the Board of Selectmen on matters of interest to the public for no more than five (5) minutes.

5. Old Business

- Affordable Housing Study Update

6. Correspondence

Documents are available online at [www.tyngsboroughma.gov](http://www.tyngsboroughma.gov).

7. Selectmen's Reports

- Selectman Coughlin: Energy and Environmental Affairs; 72 Red Gate Road
- Selectman Reault: NMCOG
- Selectmen Lemoine: Economic Development
- Selectmen Jackson: TECC



8. Town Administrator's Report

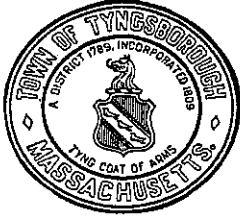
The Town Administrator's report is available online at [www.tyngsboroughma.gov](http://www.tyngsboroughma.gov).

- Response to Selectmen's Requests
- Budget
- Departmental Information
- Contracting/procurement
- Other

9. Adjournment

Future Meetings

Selectmen's Meeting Monday, August 30, 2010 at 6:00 P.M. at Town Hall Offices



## TOWN OF TYNGSBOROUGH

Office of the Selectmen

25 Bryant Lane

Tyngsborough, MA 01879

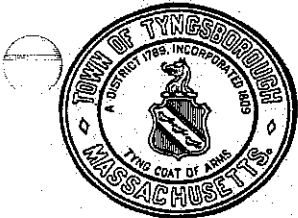
Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320

### CORRESPONDENCE

Monday, August 16, 2010 at 5:30 P.M.

Town Offices (25 Bryant Lane)

- DOER Green Communities grant award notice
- Comcast channel lineup change
- NMMPO meeting notice
- Building Department yearly safety inspection notice
- Comcast service changes
- PERAC early retirement memorandum
- Request for traffic control
- Baystate Roads Program flyer
- Donnegan Systems letter and flyer
- Municipal Management Associates letter and bulletin
- Board of Appeals packet
- Fleur De Lis incident report
- Police monthly report
- Building Department monthly report
- Tyngsborough Housing Authority event invitation
- Conservation Commission agenda
- Greater Lowell Health Alliance annual meeting invitation
- Town Counsel letter on Emergency Management
- NMCOG TIP meeting notice
- ABCC decision regarding Thirsty's
- Notice of Tyngsborough Democratic Town Committee State Senate Candidate's Night
- MBTA Advisory Board "save the date"
- Conservation Commission request
- Conservation Commission petition



## TOWN OF TYNGSBOROUGH

Office of the Selectmen

25 Bryant Lane

Tyngsborough, MA 01879

Tel: 978 649-2300 Ext. 100

Fax: 978 649-2320

### Board of Selectmen Meeting Minutes

**DRAFT**

Monday August 30, 2010 6:00 P.M.

Town Offices

Member Present: Selectwoman Ashley O'Neill, Selectwoman Elizabeth Coughlin, Selectman Rick Reault, Selectman Robert Jackson.

Member Absent: Selectman Rich Lemoine,

Staff: Town Administrator Michael Gilleberto, Admin. Assistant Therese Gay

"The listing of matters are those reasonable anticipated by the Chairman which may be discussed at the meeting. Not all items listed may in fact be discussed, and other items not listed may also be brought up for discussion to the extent permitted by law."

#### 1. 6:00 P.M Open Meeting

The Chair opened the meeting and the Board was introduced. The Clerk read the agenda.

#### 2. 6:05 P.M. New Business

- Eagle Scout

Mr. Stephen Hammer is working towards his Eagle Scout badge and is before the Board to present his project for the Tyngsborough Vietnam War Memorial. He has spoken to the Town Administrator, the Veterans' Agent and the residents behind the monument. Mr. Hammer's plan is to improve the aesthetics and ease of use of the Tyngsborough Vietnam War Memorial. First he will construct a 19 foot pathway from the sidewalk to the center of the memorial. The pathway will consist of stone dust with wood pieces on the sides of the pathway. The second pathway for the memorial will be a 17 foot pathway from the right side of the walk way to the flagpole. The third part will involve replacing the patchy grass at the center of the memorial with stone dust and adding flowers.

Select man Jackson thanked Mr. Hammer for the presentation, well spoken. The project is spectacular and is in full support. Selectwoman Coughlin congratulated Mr. Hammer, asked if he had notified dig safe, Mr. Hammer has. Selectwoman Coughlin asked if he had considered the lighting, Mr. Hammer had the lighting in his plan but because of complications he had to drop that part of the project. Selectman Reault asked when he plans to start the project, Mr. Hammer said that he would work on it on the Labor Day weekend and hopes to finish in one day. The Board thanked Mr. Hammer for coming in and wished him luck on his project.

- Pole Petition - Flint Road

Mr. Joe Gleason, representing Verizon, was present to explain the plan for flint Road. The Board voted 4-0-1 on a motion by Selectwoman Coughlin, second by Selectman Jackson to open the public hearing. The Clerk read the meeting notice. Mr. Gleason explained that pole #74/7 needed to be moved was to be used as a tether pole and to remove the tether from the pine tree. Mr. Doug Latulippe was concerned whether or not a tree would be taken down for the placement of the stub pole, Mr. Gleason reassured Mr. Latulippe that no trees was to come down. Because of the poorly drawn plan the list of abutters was not the correct one, and after some questions the Board voted 4-0-1 on a motion by Selectwoman Coughlin, second by Selectman Jackson to continue the hearing to Monday September 13, 2010. Mr. Gleason will have a clarification of the plan.

### **3. Citizen/Business Time**

Citizens or business owners may contact the Office of the Selectmen to request to address the Selectmen during citizen/business time. Citizens or business owners who have not contracted the Office of the Selectmen in advance may address the Board of Selectmen on matters of interest to the public for not more than five (5) minutes.

- **Seniors – Senior Center Location**

A number of seniors attended the meeting last night as Jeanne Kareores read the letter signed by 33 members of our senior supporting the rehab/upgrade of the Winslow School to possibly become the Senior Center. It is a wonderful idea and hopefully it will become a reality.

Selectman Reault thanked the seniors for coming in and did clarify that the Board is looking toward the developer of Wynnbrook to help financially. The Board thanked the seniors for coming in and voicing their opinions.

- **Wine Society**

Mr. Charles Saunders spoke to the Board about his retaining his Wine and Malt Package Store License. His lease at the present address will expire at the end of August and he is looking to purchase a location shortly. He wants to expand his business to include the distribution of wines. He hopes to have the new location ready by the end of this year. The expansion will create new jobs. Mr. Saunders is looking for the Board's support of his change in location and his desire to expand. The Board thanked Mr. Saunders for coming in and informing the Board of his plans.

### **2. New Business cont'd**

- **6:45 P.M. License Transfer/Location/Manager Change Requests – Caffee Il Cipresso, 130 Middlesex Road**

The Chair opened the hearing and the Clerk read the legal notice. Charlene Rogers and Kathleen Delpero, owners and operators of Caffee Il Cipresso, came forward and presented their request for the transfer of an all alcoholic beverages license. They and their servers are all TIPS Certified. They will operate the business 7 days a week from the hours of 11AM to 2AM. They have the required liquor holders' liability license certificate.

The Board voted 4-0-1 on a motion by Selectwoman Coughlin, second by Selectman Jackson to transfer the all alcoholic beverages license to Delpero Enterprises, Inc. as amended to include all necessary papers to move forward.

Discussion on reviewing the application there was a question on the description of the property not included on the application; the property description will be attached.

The Board voted 4-0-1 on a motion by Selectwoman Coughlin to approve the change of manager of record to Charlene Rogers.

Delpero Enterprises, Inc. has submitted an application for weekday entertainment.

The Board reviewed the application and voted 4-0-1 on a motion by Selectman Jackson, second by Selectman Reault to approve the request for an weekday entertainment license, and to approve the general application submitted.

The Board voted 4-0-1 on a motion by Selectman Jackson, second by Selectwoman Coughlin to close the hearing.

- Strategic Financial Planning Committee – Presentation

Ms Karyn Puleo, Member of the SFPC was before the Board this evening to speak on the Capital Deb Exclusion Question on Tuesday, September 14<sup>th</sup> State Election Ballot. There will be two ballots for the voters to pick up, there will be one sign in. There will be an informational and a questions and answers segment on Tuesday, September 7<sup>th</sup>. There was an informational meeting on August 12 which is playing on Channel 8. The information on is the web site, on channel 8 and literature is available at the Town Hall offices and at the Library. Ms Puleo would like to remind the voters that they may submit their questions in advance to the Selectmen's Office. The Lowell Sun Report, John Collins will run a column in September. The Board thanked Ms Puleo for speaking to the Board and urges all the votes to come out and vote.

- Mass DOT

Mr. Ruderman, Manager of Rights of Way for MASS DOT is before the Board this evening to discuss the Rte. 113, Pawtucket Blvd relocation project. Mr. Ruderman presented the Board with a new plan and Land Damage Agreement. MASS DOT engineers have revised the plan as of 3PM on Monday afternoon. There were some discrepancies on some of the boundaries and have now made the necessary changes. The Board is concerned about the changes whereas the plan had been before the town's voters last August and was approved as presented on the former plan. The question of whether the Board can sign off on the new agreement will have to be sent to Town Counsel for review, and will revisit on Monday September 13 meeting.

- Police Department

Chief Mulligan is before the Board to discuss his Police Over-Time Account. He explained to the Board that he can no longer maintain the shift coverage as he has in the past. The Chief is seeking grant for the Communications Division, if this grant is received he will be able to pay the Communication Specialists from this fund and the budgeted amount could be transferred to the Police Budget. Chief Mulligan is requesting support from the Board and the Finance Committee to consider a year-end transfer of funds from the Communications budget to the Police budget, if and when necessary to cover this potential over-time budget over-run. Without this an increase in the Police budget he would have to reduce shifts to below the minimum of three officers. It would reduce the over-time burden but would increase safety risks to the community. The Board will support the Chief's request and will place an article on the STM warrant to address this transfer. The Board thanked the Chief for coming in and for doing the best he can to keep the department operating and the town safe.

#### **4. Review/Approve Minutes**

- Monday May 3, 2010

The Board voted 3-1-1 on a motion by Selectman Jackson, second by Selectwoman Coughlin to approve the minutes of Monday May 3, 2010. Selectman Reault abstains from voting as he was not on the Board at this time.

- Wednesday May 12, 2010

- Monday May 24, 2010

The Board voted 4-0-1 on a motion by Selectman Jackson second by Selectman Reault to approve the Minutes of Monday May 12, and Monday May 24, 2010.

#### **4. Review/Approve and Not Release Executive Session Minutes**

- Monday May 3, 2010

The Board voted 3-1-1 on a motion by Selectman Jackson, second by Selectwoman Coughlin to approve but not release the Executive Session Minutes of Monday May 3, 2010. Selectman Reault abstains from voting as he was not on the Board at this time.

- Wednesday May 12, 2010
- Monday May 24, 2010

The Board voted 4-0-1 on a motion by Selectman Jackson second by Selectman Reault to approve but not release the Executive Session Minutes of Monday May 12, and Monday May 24, 2010.

## 5. Old Business

No old business this evening.

## 6. Correspondence

Documents are available online at [www.tyngsboroughma.gov](http://www.tyngsboroughma.gov)

The Board voted 4-0-1 on a motion by Selectman Reault, second by Selectman Jackson to accept the correspondence as read for discussion. Correspondence pulled – Two letters of resignation were received the first from Mr. Lantz resigning from the CPC and the second from Mr. O'Connor resigning from the Affordable Housing Partnership. The Police Report on Smokey Bones on underage drinking has occurred Selectman Jackson suggests having the manager in for a public hearing. Read the Police Chief's letter of commendation for the two officers who assisted in an attempted robbery at a resident's home. Selectwoman Coughlin would like the Police identify the areas where robberies or attempted robberies have occurred. A letter from Town Counsel on the procedures for the road acceptance asking the Board to consider a policy to have Town Counsel take all the necessary steps to complete the road acceptance.

The Board voted 4-0-1 on a motion by Selectman Reault, second by Selectwoman Coughlin to duly authorize Town Counsel to take all necessary steps to complete the road acceptance takings.

## 7. Selectmen's Reports

- Selectman O'Neill – Strategic Financial Planning

Selectwoman O'Neill announced the Capital Debt Exclusion Ballot Question and answer is for schedule for September 7 at the Town Hall community room. I attended the Public Student Safety Academy there were 44 Tyngsborough youths that attended the academy. Also school starts tomorrow please be careful there will be many students walking and/or waiting for buses.

- Selectman Coughlin – Energy and Environmental Affairs/Licenses

The Democratic Committee co-sponsored a candidate debate at the Groton Dunstable Regional School tomorrow night at 7PM. I also attended the Sheriff's public safety program for youths, it is a good program and the youngsters enjoy it. The EEAC is moving forward with the season changes we are the agency for the insulation of the town hall and middle school. Selectwoman Coughlin spoke briefly on the licensing applications and the importance to have the proper information on the application. Also mentioned was the fact that the owners of the Dream Diner were not using their license as reported. It is important to operate during the hours listed on the license. After speaking to Town Counsel the Board can call for a show cause hearing.

- Selectman Reault – Northern Middlesex Council Of Government

The NMCOG is working on the Town's Affordable and Housing Plan, they are reviewing the role the partnership pays and the working relationship with the Tyngsborough Housing Authority.

- Selectman Lemoine – Economic Development

Selectman Lemoine was not present this evening.

- Selectman Jackson – The Early Childhood Center

Selectman Jackson has reported that the TECC Committee is moving forward they have 4 applicants for the citizen at large. I did send a letter to the COA Director concerning the seniors' interest in the Winslow school building to be used as a center and stated that I asked the questions concerning air quality, and the most economical way and also asked for an engineering analysis.

Selectwoman Coughlin can contact the representative from the Dept. of Energy Resources and National Grid to do an audit of the Town Buildings.

Selectman Jackson did remind everyone that if you see anything strange or stranger around with flashlights please contact the police department.

## 8. Town Administrator's Reports

Report is available online at [www.tyngsboroughma.gov](http://www.tyngsboroughma.gov)

- Response to Selectmen's Requests

I've met with Mr. Finnegan to discuss the Board's recent request concerning the Senior Center at Wynnbrook. There are many issues at play concerning this matter, including a comprehensive permit for the development, and the design of the development's footprint. He indicated that changing to original proposal may not be feasible, but there is still information to be gathered and that work continues.

Commonwealth Capital: preparation of 2011 Commonwealth Capital application continues and will be finalized ahead of the deadline of August 30<sup>th</sup>. A current draft is attached.

- Budget

Tyngsborough has been awarded additional federal education dollars, which will funnel through the state. More information regarding the impact of these dollars is forthcoming.

- Departmental Information

Building Commission: upon notification that the Building Commissioner will be leaving effective September 13, attached please find a job posting that I wish to advertise forthwith. Approval is Required. The Board voted 4-0-1 on a motion by Selectman Jackson, second by Selectman Reault to advertise the position of Building Commissioner. Discussion: Hiring an interim inspector will provide coverage while the Board is searching for an permanent inspector. The Board voted 4-0-1 on a motion by Selectman Reault, second by Selectman Jackson to hire Donald Crowell as the interim Building Inspector and to have the Town Administrator do the financial calculations, and to ask the Fire Dept. Captain to assist in the inspections. Post the interim position is necessary.

Attached is the request for Chapter 90 funds for a resurfacing program on the east side of Town. The delineation is included. Approval is required. The Board voted 4-0-1 on a motion by Selectman Reault, second by Selectman Jackson to go ahead with the resurfacing proram.

- Other

Tyngsborough High School teacher Kate Capistrano has secured grant funding for display boards. They measure 8x8 (two 4x8 panels). She would like to place these boards in Town Hall and to display student work on them. Approval is required. The Board took no action this evening.

## 9. 8:30 P.M. Executive Session

The Board voted 4-0-1 on a motion by Selectman Jackson, second by Selectman Reault to enter into Executive Session to discuss strategy with respect to collective bargaining, litigation, or exempt negotiations where an open meeting will have a detrimental effect on the subject matter, the Chair so declares and to exit executive session to return to open session only to adjourn. Roll Call Vote: Selectman Jackson, yes; Selectman Lemoine, absent; Selectwoman Coughlin, yes; Selectwoman O'Neill, yes; and Selectman Reault, yes. The Board entered into executive session at 9:35 P.M.

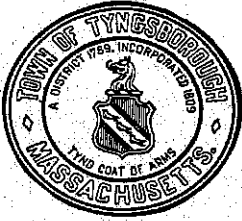
## 10. 9:30 P.M. Adjournment

The Board voted 4-0-1 on a motion by Selectman Reault, second by Selectman Jackson to adjourn the meeting. The Board adjourned at 11:30 P.M.

Respectfully submitted

Therese Gay  
Admin Assistant

Approved on \_\_\_\_\_



## TOWN OF TYNGSBOROUGH

Office of the Selectmen

25 Bryant Lane

Tyngsborough, MA 01879

Tel: 978 649-2300 Ext. 100

Fax: 978 649-2320

Board of Selectmen Meeting Executive Session Minutes

DRAFT

Monday August 30, 2010 6:00 P.M.

Town Offices

Member Present: Selectwoman Ashley O'Neill, Selectwoman Elizabeth Coughlin, Selectman Rick Reault, Selectman Robert Jackson.

Member Absent: Selectman Rich Lemoine,

Staff: Town Administrator Michael Gilleberto, Admin. Assistant Therese Gay

"The listing of matters are those reasonable anticipated by the Chair which may be discussed at the meeting. Not all items listed may in fact be discussed, and other items not listed may also be brought up for discussion to the extent permitted by law."

### 1. 9:35P.M. Executive Session

The board may move to go into executive session to discuss strategy with respect to collective bargaining, litigation, or exempt negotiations if an open meeting may have a detrimental effect on such subject matters.

- Collective Bargaining

The Board voted on a motion by Selectman Reault, second by Selectman Jackson to enter into Executive Session to discuss strategy with respect to collective bargaining, litigation, or exempt negotiations where an open meeting will have a detrimental effect on the subject matter, the Chair so declares. Roll Call Vote: Selectman Jackson, yes; Selectman Lemoine, absent; Selectwoman Coughlin, yes; Selectwoman O'Neill, yes; and Selectman Reault, yes. The Board entered into executive session at 9:35 P.M.

The mid-managers are grieving the restoration of hours and pay increase for one member. They want everyone to be treated equally, either restore everyone's hours or bring the individual back to the 2009 hours and rate. The changes were not bargained. The hearing deadline is Tuesday, August 31, 2010. The Board conferred with Labor Counsel after discussions the Board voted 4-0-1 to authorize the Town Administrator and Labor Counsel to offer a settlement of returning to the FY2009 hours and bargaining any changes. Roll Call Vote: Selectman Jackson, yes; Selectman Lemoine, absent; Selectwoman Coughlin, yes; Selectwoman O'Neill, yes; and Selectman Reault, yes.

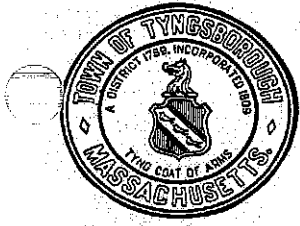
The Board voted 4-0-1 on a motion by Selectman Reault, second by Selectman Jackson to exit Executive Session and to return to open session only to adjourn. The Board exited executive session at 11:30 P.M.

Respectfully submitted,

Therese Gay  
Admin Assistant

Approved on \_\_\_\_\_





## TOWN OF TYNGSBOROUGH

Office of the Selectmen

25 Bryant Lane

Tyngsborough, MA 01879

Tel: 978 649-2300 Ext. 100

Fax: 978 649-2320

### Board of Selectmen Meeting Agenda

---

Monday August 30, 2010

6:00 P.M.

Town Offices

---

"The listing of matters are those reasonable anticipated by the Chairman which may be discussed at the meeting. Not all items listed may in fact be discussed, and other items not listed may also be brought up for discussion to the extent permitted by law."

#### 1. 6:00 P.M Open Meeting

#### 2. 6:05 P.M. New Business

- Eagle Scout
- Pole Petition – Flint Road

#### 3. Citizen/Business Time

Citizens or business owners may contact the Office of the Selectmen to request to address the Selectmen during citizen/business time. Citizens or business owners who have not contracted the Office of the Selectmen in advance may address the Board of Selectmen on matters of interest to the public for not more than five (5) minutes.

- Seniors – Senior Center Location
- Wine Society

#### 2. New Business cont'd

- 6:45 P.M. License Transfer/Location/Manager Change Requests – Caffee Il Ciproso, 130 Middlesex Road
- Strategic Financial Planning Committee – Presentation
- Mass DOT
- Police Department

#### 4. Review/Approve Minutes

- Monday May 3, 2010
- Wednesday May 12, 2010
- Monday May 24, 2010

#### 4. Review/Approve and Not Release Executive Session Minutes

- Monday May 3, 2010
- Wednesday May 12, 2010
- Monday May 24, 2010

#### 5. Old Business

#### 6. Correspondence

Documents are available online at [www.tyngsboroughma.gov](http://www.tyngsboroughma.gov)

## **7. Selectmen's Reports**

- Selectman O'Neill – Strategic Financial Planning
- Selectman Coughlin – Energy and Environmental Affairs/Licenses
- Selectman Reault – Northern Middlesex Council Of Government
- Selectman Lemoine – Economic Development
- Selectman Jackson – The Early Childhood Center

## **8. Town Administrator's Reports**

Report is available online at [www.tyngsboroughma.gov](http://www.tyngsboroughma.gov)

- Response to Selectmen's Requests
- Budget
- Departmental Information
- Contracting/Procurement
- Other

## **9. 8:30 P.M. Executive Session**

The board may move to go into executive session to discuss strategy with respect to collective bargaining, litigation, or exempt negotiations if an open meeting may have a detrimental effect on such subject matters.

- Collective Bargaining

## **10. 9:30 P.M. Adjournment**

### Future Meetings

Selectmen's Meeting Monday, September 13, 2010 at 6:00 P.M. at Town Hall Offices

Selectmen's Meeting Monday, September 27, 2010 at 6:00 P.M. at Town Hall Offices

Selectmen's Meeting Monday, October 4, 2010 at 6:00 P.M. at Town Hall Offices

Columbus Holiday, Monday, October 11, 2010 Town Offices are Closed.

Selectmen's Meeting Monday, October 18, 2010 at 6:00 P.M. at Town Hall Offices

Selectmen's Meeting Monday, November 1, 2010 at 6:00 P.M. at Town Hall Offices



Therese Gay <tgay@tyngsboroughma.gov>

---

## RE: Economic Development Meeting

---

Tracy Connor <lilmermaid@verizon.net>

Tue, Jul 27, 2010 at 6:46 PM

To: Tgay@tyngsboroughma.gov

Cc: "Lemoine, Richard" <Richard\_Lemoine@uml.edu>

Hello,

I would like to continue as a member at large on the Economic Development Committee for this year.  
Thank you!

Sincerely,

Tracy Connor

(h) 978-649-4675

(c) 978-273-3755

[lilmermaid@verizon.net](mailto:lilmermaid@verizon.net)

<http://www.linkedin.com/in/tracyconnor>

[Quoted text hidden]

---

[illegible]

*Do you know someone who is grieving the death of a loved one?*

VNA Hospice of Greater Lowell presents a

## ***Community Memorial Service***

Anyone who is grieving the death of a loved one  
is welcome to join us for a time of  
quiet reflection, music, and readings,  
as we remember those who have touched our lives.

**Thursday, September 16, 2010  
7:00 PM**

**Lowell General Hospital**

**Clark Auditorium**

*295 Varnum Avenue in Lowell*

*Those who attend are invited to bring a photograph of their loved one  
(in a stand-up frame if possible) for display during the service*

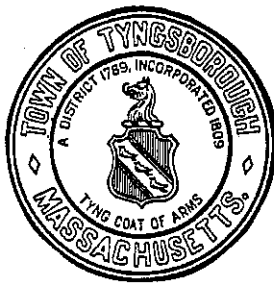
This annual event is presented as a community service by  
VNA Hospice of Greater Lowell,  
a program of the Visiting Nurse Association of Greater Lowell, Inc.

*There is no charge to participants. All are welcome to stay for refreshments after the service.*

*For more information, contact:*

**978-458-3123**

**VNA Hospice of Greater Lowell**



# Town of Tyngsborough Building Department

25 Bryants Lane  
Tyngsborough, Massachusetts 01879  
Office: (978) 649-2300 Ext. 112

2010 SEP 10 PM 6:54

TOWN OF TYNGSBOROUGH  
TYNGSBOROUGH, MA.

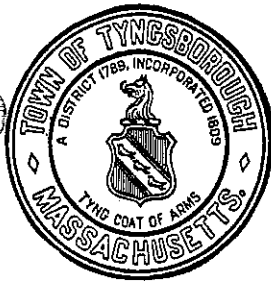
September 10, 2010

To: Michael P. Gilleberto, Town Administrator  
Monthly Report

<u>Building Permits Report</u>	<u>Calendar Year</u>					<u>Number of Permits – August 2010</u> <u>Change from last</u>
	<u>2006</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>	
Year to date:	419	357	355	356	203	31
<u>Electrical Permits</u>						
Year to date:	386	264	228	258	188	19
<u>Plumbing &amp; Gas</u>						
Year to date:	450	318	264	263	179	2
<u>Trench Permits</u>				46	31	2

## 40B Update:

	<u>Change from last report</u>					
<u>Maple Ridge:</u>	<u>2006</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>	
A) Single Family Homes-	39	10	5	4	0	0
B) 55+ and over Homes-	40	4	1	2	5	3
C) Certificates of Occupancy-	40	23	12	12	4	1
D) Affordable-	32	ALL OCCUPIED				
<u>Merrimack Landing</u>						
A) Single Family Homes-	32	4		60	0	0
B) Affordable-	0	0		36	0	0
C) Certificates of Occupancy-	4	15	11	23	46	9
<u>Wynbrook</u>						
A) 55+ and Over Homes-	13	4	3		6	1
B) Affordable	0	4		1	0	0
C) Certificates of Occupancy-	5	4	6	1	3	1
<u>Whispering Pines</u>						
A) Single Family Homes		14			0	0
B) Affordable		2		1	0	0
C) Certificates of Occupancy-		0		4	2	0



## ***Town of Tyngsborough***

### ***Recreation Department***

25 Bryants Lane - Tyngsborough, Massachusetts 01879-1003

Phone: (978) 649-2300, Ext. 150 - Fax: (978) 649-2301

amenamara@tyngsboroughma.gov

Alison McNamara - Director

August 30, 2010

Board of Selectmen  
25 Bryants Lane  
Tyngsborough, MA 01879

Re: Former Campground

Selectmen,

With the end of the former campground project in sight, brings many questions to mind. The logistics and regulation of the new park need to be set.

First and foremost a name needs to be chosen for the site.

Secondly, a set of rules and regulations need to be formed. Attached is a draft copy of proposed rules for the new site. Many points mimic the regulations set for the Town Beach on Lake Masscuppic. However, the use of this property is not defined, so some of the rules listed may not apply. For instance, is swimming going to be allowed, can boaters already on the river pull up to the shore area, etc?

Lastly, the every day operation and maintenance need to be discussed and a solid plan set for its success. Which Town Departments will play a role in the new parks operation and what will they be.

Please let me know if you would like to discuss these issues amongst yourselves, with me, or if you would prefer the Department handle them and make a report back to the board.

Sincerely,

Alison McNamara

Tyngsborough Recreation Director

2010 AUG 30 2:10:52  
TOWN OF TYNGSBOROUGH, MA.

## Park (Frost Road Park)

1. The Park will be open from approximately April to November, weather permitting. The opening and closing of the park will be determined by the Recreation Department. The hours of operation shall be 8:00AM to 8:30 PM.
2. Parking is allowed in designated line spots. Parking on grass areas is strictly prohibited. Loitering in the parking area is prohibited.
3. Patrons exiting the parking area should yield to incoming traffic.
4. All persons swimming or bathing at the park do so at their own risk. (see "Limitation of Liability")
5. Use of the waterfront area is at your own risk. No lifeguard is on duty.
6. Carry in watercraft are welcome to launch from the designated area. No trailers shall be parked in lot. The use of powered craft generally described as a "Personal Watercraft" (i.e., "Jet Ski, surf jet or wetbike" as defined under Chapter 90B, Section 1 of the Massachusetts General Laws)" is prohibited at any time.
7. Swimming to or from a boat onto or from the town park is prohibited.
8. Fishing is allowed from designated areas only.
9. Smoking is prohibited
10. Alcoholic beverages are prohibited
11. To destroy, misuse or abuse Parks property, or to injure trees, lawns, shrubs or plants in any park, playground, beach or other areas under the jurisdiction of the Parks Department.
12. Use of the grills is at your own risk. Patrons are to clean grill at end of use and dispose of coals into metal containers provided.
13. No fires are permitted on the grounds, other than cooking in the provided grills.
14. To throw or deposit any litter, rubbish, hazardous waste in the park, playground, or beach area except in containers placed for such purposes is prohibited. Household trash cannot be deposited in said containers
15. Glass containers are prohibited.
16. Any animal in the park, playground or beach area must be on a proper leash. All animal feces shall be picked up immediately and properly disposed of by owner.
17. Children are to be monitored while using the Playground area and equipment for their safety.
18. Use of the horseshoe pits are on a first come basis.
19. The Town reserves the right to refuse admittance to or eject from the park property, any person failing to comply with any regulation

### **Limitation of Liability**

1. The Town of Tyngsborough accepts no responsibility or liability for any personal injury or property damage sustained at \_\_\_\_\_ Park (M.G.L. Ch 21 Sec. 17C)
2. Entry upon or use of \_\_\_\_\_ Park by any person shall be at his own risk and such entry or use shall constitute a release by such person of the Town of Tyngsborough from any and all claims for personal injury or property damage sustained on \_\_\_\_\_ Park, and such release shall be binding upon such person, his personal representative, and all persons claiming through or under him.

Chapter 21: Section 17C. Public use of land for recreational, conservation, scientific educational and other purposes; landowner's liability limited; exception



Section 17C. (a) Any person having an interest in land including the structures, buildings, and equipment attached to the land, including without limitation, wetlands, rivers, streams, ponds, lakes, and other bodies of water, who lawfully permits the public to use such land for recreational, conservation, scientific, educational, environmental, ecological, research, religious, or charitable purposes without imposing a charge or fee therefor, or who leases such land for said purposes to the commonwealth or any political subdivision thereof or to any nonprofit corporation, trust or association, shall not be liable for personal injuries or property damage sustained by such members of the public, including without limitation a minor, while on said land in the absence of wilful, wanton, or reckless conduct by such person. Such permission shall not confer upon any member of the public using said land, including without limitation a minor, the status of an invitee or licensee to whom any duty would be owed by said person.

(a) Any person having an interest in land including the structures, buildings, and equipment attached to the land, including without limitation, railroad and utility corridors, easements and rights of way, wetlands, rivers, streams, ponds, lakes, and other bodies of water, who lawfully permits the public to use such land for recreational, conservation, scientific, educational, environmental, ecological, research, religious, or charitable purposes without imposing a charge or fee therefor, or who leases such land for said purposes to the commonwealth or any political subdivision thereof or to any nonprofit corporation, trust or association, shall not be liable for personal injuries or property damage sustained by such members of the public, including without limitation a minor, while on said land in the absence of wilful, wanton, or reckless conduct by such person. Such permission shall not confer upon any member of the public using said land, including without limitation a minor, the status of an invitee or licensee to whom any duty would be owed by said person.

(b) The liability of any person who imposes a charge or fee for the use of his land by the public for the purposes described in subsection (a) shall not be limited by any provision of this section. The term "person" as used in this section shall be deemed to include the person having an interest in the land, his agent, manager, or licensee and shall include without limitation, any governmental body, agency or instrumentality, nonprofit corporation, trust or association, and any director, officer, trustee, member, employee or agent thereof. A contribution or other voluntary payment not required to be made to use such land shall not be considered a charge or fee within the meaning of this section.



# Federal Emergency Management Agency

Washington, D.C. 20472

SEP 03 2010

SEP-7 PM 1:17  
TOWN OF TYNGSBOROUGH, MA.

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Michael P. Gilleberto  
Town Administrator  
Town of Tyngsborough  
25 Bryants Lane  
Tyngsborough, MA 01879

IN REPLY REFER TO:

Case No.: 10-01-1825P  
Community Name: Town of Tyngsborough, MA  
Community No.: 250220  
Effective Date of  
This Revision: September 3, 2010

Dear Mr. Gilleberto:

The Flood Insurance Rate Map for your community has been revised by this Letter of Map Revision (LOMR). Please use the enclosed annotated map panel(s) revised by this LOMR for floodplain management purposes and for all flood insurance policies and renewals issued in your community.

Additional documents are enclosed which provide information regarding this LOMR. Please see the List of Enclosures below to determine which documents are included. Other attachments specific to this request may be included as referenced in the Determination Document. If you have any questions regarding floodplain management regulations for your community or the National Flood Insurance Program (NFIP) in general, please contact the Consultation Coordination Officer for your community. If you have any technical questions regarding this LOMR, please contact the Director, Mitigation Division of the Department of Homeland Security's Federal Emergency Management Agency (FEMA) in Boston, Massachusetts, at (617) 832-4761, or the FEMA Map Assistance Center toll free at 1-877-336-2627 (1-877-FEMA MAP). Additional information about the NFIP is available on our website at <http://www.fema.gov/nfip>.

Sincerely,

Todd A. Steiner  
Program Specialist  
Engineering Management Branch  
Mitigation Directorate

For: Kevin C. Long  
Acting Chief  
Engineering Management Branch  
Mitigation Directorate

List of Enclosures:

Letter of Map Revision Determination Document  
Annotated Flood Insurance Rate Map

cc: Mr. Timothy Dexter  
Environmental Analyst  
Mass DOT, Highway Division  
Ten Park Plaza  
Boston, MA 02116-3969



# Federal Emergency Management Agency

Washington, D.C. 20472

## LETTER OF MAP REVISION DETERMINATION DOCUMENT

COMMUNITY AND REVISION INFORMATION		PROJECT DESCRIPTION	BASIS OF REQUEST
COMMUNITY	Town of Tyngsborough Middlesex County Massachusetts	NO PROJECT	NEW TOPOGRAPHIC DATA
	COMMUNITY NO.: 250220		
IDENTIFIER	Route 113 Bridge to Lawrence Brook	APPROXIMATE LATITUDE & LONGITUDE: 42.67222, -71.4180 SOURCE: USGS Quadrangle      DATUM: NAD 1983	
ANNOTATED MAPPING ENCLOSURES		ANNOTATED STUDY ENCLOSURES	
TYPE: FIRM*      NO.: 25017C0116E      DATE: June 4, 2010		NO REVISION TO THE FLOOD INSURANCE STUDY REPORT	

Enclosures reflect changes to flooding sources affected by this revision.  
1 - Flood Insurance Rate Map

### FLOODING SOURCE(S) & REVISED REACH(ES)

Merrimack River - The Special Flood Hazard Area boundary on the left bank of the Merrimack River from approximately 350 feet downstream of the Tyngsborough Bridge to the confluence with Lawrence Brook.

### SUMMARY OF REVISIONS

Flooding Source	Effective Flooding	Revised Flooding	Increases	Decreases
Merrimack River	Floodway	Floodway	NONE	NONE
	BFES	BFES	NONE	NONE
	Zone AE	Zone AE	NONE	YES

\* BFES - Base Flood Elevations

### DETERMINATION

This document provides the determination from the Department of Homeland Security's Federal Emergency Management Agency (FEMA) regarding a request for a Letter of Map Revision (LOMR) for the area described above. Using the information submitted, we have determined that a revision to the flood hazards depicted in the Flood Insurance Study (FIS) report and/or National Flood Insurance Program (NFIP) map is warranted. This document revises the effective NFIP map, as indicated in the attached documentation. Please use the enclosed annotated map panels revised by this LOMR for floodplain management purposes and for all flood insurance policies and renewals in your community.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Map Assistance Center toll free at 1-877-336-2627 (1-877-FEMA MAP) or by letter addressed to the LOMC Clearinghouse, 6730 Santa Barbara Court, Elkridge, MD 21075. Additional information about the NFIP is available on our website at <http://www.fema.gov/nfip>.

Todd A. Steiner, Program Specialist  
Engineering Management Branch  
Mitigation Directorate



# Federal Emergency Management Agency

Washington, D.C. 20472

## LETTER OF MAP REVISION DETERMINATION DOCUMENT (CONTINUED)

### COMMUNITY INFORMATION

#### APPLICABLE NFIP REGULATIONS/COMMUNITY OBLIGATION

We have made this determination pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (P.L. 93-234) and in accordance with the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968, P.L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 65. Pursuant to Section 1361 of the National Flood Insurance Act of 1968, as amended, communities participating in the NFIP are required to adopt and enforce floodplain management regulations that meet or exceed NFIP criteria. These criteria, including adoption of the FIS report and FIRM, and the modifications made by this LOMR, are the minimum requirements for continued NFIP participation and do not supersede more stringent State/Commonwealth or local requirements to which the regulations apply.

#### COMMUNITY REMINDERS

We based this determination on the 1-percent-annual-chance flood discharges computed in the FIS for your community without considering subsequent changes in watershed characteristics that could increase flood discharges. Future development of projects upstream could cause increased flood discharges, which could cause increased flood hazards. A comprehensive restudy of your community's flood hazards would consider the cumulative effects of development on flood discharges subsequent to the publication of the FIS report for your community and could, therefore, establish greater flood hazards in this area.

Your community must regulate all proposed floodplain development and ensure that permits required by Federal and/or State/Commonwealth law have been obtained. State/Commonwealth or community officials, based on knowledge of local conditions and in the interest of safety, may set higher standards for construction or may limit development in floodplain areas. If your State/Commonwealth or community has adopted more restrictive or comprehensive floodplain management criteria, those criteria take precedence over the minimum NFIP requirements.

We will not print and distribute this LOMR to primary users, such as local insurance agents or mortgage lenders; instead, the community will serve as a repository for the new data. We encourage you to disseminate the information in this LOMR by preparing a news release for publication in your community's newspaper that describes the revision and explains how your community will provide the data and help interpret the NFIP maps. In that way, interested persons, such as property owners, insurance agents, and mortgage lenders, can benefit from the information.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Map Assistance Center toll free at 1-877-336-2627 (1-877-FEMA MAP) or by letter addressed to the LOMC Clearinghouse, 6730 Santa Barbara Court, Elkridge, MD 21075. Additional information about the NFIP is available on our website at <http://www.fema.gov/nfip>.

Todd A. Steiner, Program Specialist  
Engineering Management Branch  
Mitigation Directorate



**Federal Emergency Management Agency**  
Washington, D.C. 20472

**LETTER OF MAP REVISION  
DETERMINATION DOCUMENT (CONTINUED)**

We have designated a Consultation Coordination Officer (CCO) to assist your community. The CCO will be the primary liaison between your community and FEMA. For information regarding your CCO, please contact:

Mr. Kevin Merli  
Director, Mitigation Division  
Federal Emergency Management Agency, Region I  
99 High Street, Sixth Floor  
Boston, MA 02110  
(617) 832-4761

**STATUS OF THE COMMUNITY NFIP MAPS**

We will not physically revise and republish the FIRM and FIS report for your community to reflect the modifications made by this LOMR at this time. When changes to the previously cited FIRM panel(s) and FIS report warrant physical revision and republication in the future, we will incorporate the modifications made by this LOMR at that time.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Map Assistance Center toll free at 1-877-336-2627 (1-877-FEMA MAP) or by letter addressed to the LOMC Clearinghouse, 6730 Santa Barbara Court, Elkridge, MD 21075. Additional Information about the NFIP is available on our website at <http://www.fema.gov/nfip>.

Todd A. Steiner, Program Specialist  
Engineering Management Branch  
Mitigation Directorate



**Federal Emergency Management Agency**  
Washington, D.C. 20472

**LETTER OF MAP REVISION  
DETERMINATION DOCUMENT (CONTINUED)**

**COMMUNITY INFORMATION (CONTINUED)**

This revision is effective as of the date of this letter. Any requests to review or alter this determination should be made within 30 days and must be based on scientific or technical data.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Map Assistance Center toll free at 1-877-336-2627 (1-877-FEMA MAP) or by letter addressed to the LOMC Clearinghouse, 6730 Santa Barbara Court, Elkridge, MD 21075. Additional Information about the NFIP is available on our website at <http://www.fema.gov/nfip>.

A handwritten signature in cursive script, reading "Todd A. Steiner", is located above the typed name.

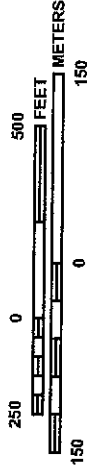
Todd A. Steiner, Program Specialist  
Engineering Management Branch  
Mitigation Directorate

Legend

-  1% annual chance (100-Year) Flood
-  1% annual chance (100-Year) Floodway
-  0.2% annual chance (500-Year) Floodplain



MAP SCALE 1" = 500'



**NFIP**

**FIRM**

FLOOD INSURANCE RATE MAP  
MIDDLESEX COUNTY,  
MASSACHUSETTS  
AND INCORPORATED AREAS

PANEL 116 OF 656

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
TYNGBOROUGH, TOWN OF 250220	0116	E	

REVISED TO  
REFLECT LOMR  
EFFECTIVE  
SEPTEMBER 3, 2010

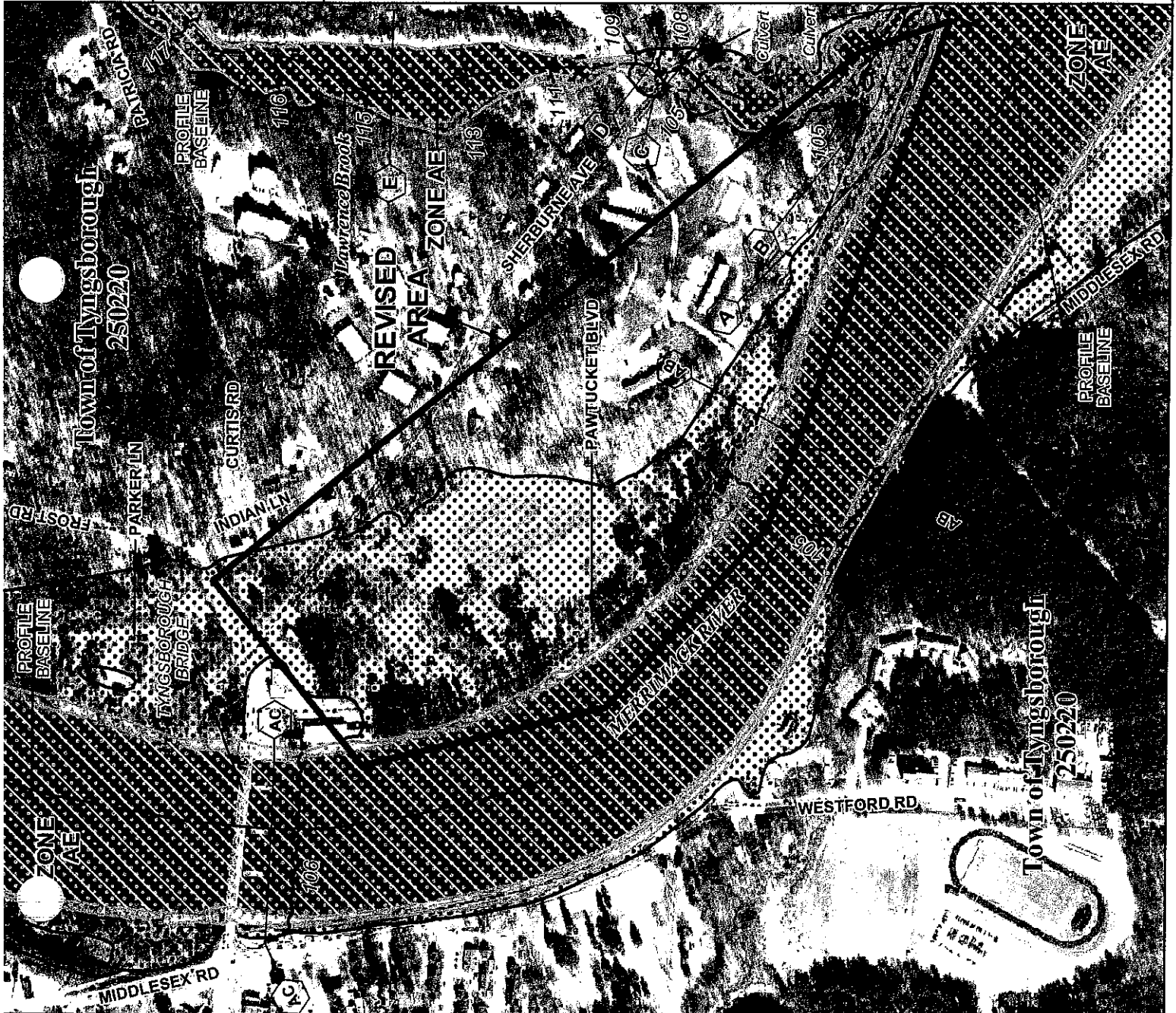
Notice to User: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community.



MAP NUMBER  
25017C0116E  
EFFECTIVE DATE  
JUNE 4, 2010

Federal Emergency Management Agency

NATIONAL FLOOD INSURANCE PROGRAM



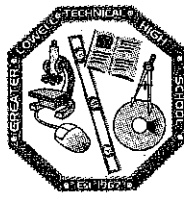
# GREATER LOWELL TECHNICAL HIGH SCHOOL

250 PAWTUCKET BOULEVARD  
TYNGSBORO, MASSACHUSETTS 01879-2199  
TEL: (978) 454-5411 FAX: (978) 441-5344

## SCHOOL COMMITTEE

 **Mary Jo Santoro**  
Superintendent-Director

www.gltech.org



2010 SEP -3 AM 10:22

BOARD OF SELECTMEN  
TYNGSBORO, MA.

**David C. Laferriere**  
Chair

**Michael J. Lenzi**  
Vice-Chair

**Victor A. Olson**  
Secretary

**Farid W. Bahou, Jr.**  
**Paul E. Morin**  
**George W. O'Hare**  
**Steven P. O'Neill**  
**David E. Tully**

**William J. Collins**  
Superintendent-Emeritus

September 1, 2010

Michael Gilleberto  
Town Administrator  
Tyngsboro Town Hall  
25 Bryant Road  
Tyngsboro, MA 01879

*Mike*  
Dear Mr. Gilleberto,

On Thursday, August 26, 2010 the Greater Lowell Technical High School's School Committee voted a revised FY11 Budget based on the Final State Budget and Chapter 70 figures. The revised budget totals \$32,272,032, a reduction of <\$380,723>.

Attached is a revised budget recap which identifies the change made in comparison to the original budget as well as an assessment recap showing these reductions to the required minimum contributions.

The District Treasurer has recently sent out the first assessment letters which are due by September 15, 2010, based on the revised figures.

Should you have any questions please give me a call.

Sincerely,

*George*  
George R. Garabedian  
School Business Administrator

GRG/kw

C: Mary Jo Santoro



## GREATER LOWELL TECHNICAL HIGH SCHOOL

July 1, 2010 - June 30, 2011

Voted 4-8-10

Revised 8-26-10

**REVENUE**

2010/11

2010/11

Change

**EXCESS & DEFICIENCY:**

E&amp;D - TRANSPORTATION

\$600,000

\$639,749

\$39,749

\$300,000

\$316,743

\$16,743

**ASSESSMENTS:**

Includes Minimum Contributions &amp; Transportation

Dracut

\$2,909,733

\$2,901,459

-\$8,274

Dunstable

\$168,763

\$168,590

-\$173

Lowell

\$5,640,409

\$5,608,401

-\$32,008

Tyngsboro

\$1,035,975

\$1,034,903

-\$1,072

**Total****\$9,754,880****\$9,713,353****-\$41,527****STATE AID:**

CHAPTER 70

\$21,164,073

\$20,785,128

-\$378,945

TRANSPORTATION

\$833,802

\$817,059

-\$16,743

**Total****\$21,997,875****\$21,602,187****-\$395,688****TOTAL REVENUE****\$32,652,755****\$32,272,032****-\$380,723****EXPENSES:****OPERATING**

Instruction

\$15,447,431

\$15,040,816

-\$406,615

Operation of Plant

\$3,215,895

\$3,215,895

\$0

Fixed Charges

\$7,301,358

\$7,301,358

\$0

Administration

\$2,292,763

\$2,292,763

\$0

Other Services

\$4,126,765

\$4,126,765

\$0

Programs with Other Districts

\$268,543

\$294,435

\$25,892

**TOTAL BUDGET****\$32,652,755****\$32,272,032****-\$380,723****NOTE:**

Net Budget Reduction of \$380,723 (\$406,615 SFSF Grant - \$25,892 increase in Schoice Assessment).

## Assessment Recap Statutory Method

**REVISED 2010 / 2011**  
**Based on FINAL STATE BUDGET 6-30-2010**

### ORIGINAL VS REVISED Required Minimum Contribution

Community	FY-11	FY-11	Difference
Dracut	\$ 2,821,091	\$ 2,812,817	\$ (8,274)
Dunstable	\$ 166,135	\$ 165,962	\$ (173)
Lowell	\$ 5,278,196	\$ 5,246,188	\$ (32,008)
Tyngsboro	\$ 1,008,260	\$ 1,007,188	\$ (1,072)
<b>Total</b>	<b>\$ 9,273,682</b>	<b>\$ 9,232,155</b>	<b>\$ (41,527)</b>

### Transportation

Community	FY-11	FY-11	Difference
Dracut	\$ 88,642	\$ 88,642	\$ -
Dunstable	\$ 2,628	\$ 2,628	\$ -
Lowell	\$ 362,213	\$ 362,213	\$ -
Tyngsboro	\$ 27,715	\$ 27,715	\$ -
<b>Total</b>	<b>\$ 481,198</b>	<b>\$ 481,198</b>	<b>\$ -</b>

### Combined Assessment

Community	FY-11	FY-11	Difference
Dracut	\$ 2,909,733	\$ 2,901,459	\$ (8,274)
Dunstable	\$ 168,763	\$ 168,590	\$ (173)
Lowell	\$ 5,640,409	\$ 5,608,401	\$ (32,008)
Tyngsboro	\$ 1,035,975	\$ 1,034,903	\$ (1,072)
<b>Total</b>	<b>\$ 9,754,880</b>	<b>\$ 9,713,353</b>	<b>\$ (41,527)</b>



# NMCOG

## Northern Middlesex Council of Governments

### NOTICE OF MEETING

The next meeting of the Northern Middlesex Council of Governments will be held on **Wednesday, September 15, 2010** at the Council office, 40 Church Street, Suite 200, Lowell, MA 01852. The meeting will begin promptly at **7:00 p.m.**

A Multi-Disciplinary  
Regional Planning  
Agency Serving:

Billerica  
Chelmsford  
Dracut  
Dunstable  
Lowell  
Pepperell  
Salem  
Tyngsborough  
Westford

---

James G. Silva  
Chair

---

Beverly A. Woods  
Executive Director

---

40 Church Street  
Suite 200  
Lowell MA 01852-2686

TEL (978) 454-8021

Fax (978) 454-8023

[www.nmcog.org](http://www.nmcog.org)

### AGENDA

- I. **MINUTES OF MEETING: August 21, 2010**
- II. **EXECUTIVE DIRECTOR'S REPORT**
- III. **FINANCIAL REPORT AND WARRANT**
- IV. **ELECTION OF OFFICERS**
- V. **OLD BUSINESS**
  1. Discussion of July 2010 Memo of the Personnel Committee
  2. DLTA Update
  3. Update on the September 7, 2010 MPO Meeting
  4. Other Old Business
- VI. **NEW BUSINESS**
  1. Community Reports
  2. Project Referrals
  3. Greater Lowell Comprehensive Economic Development Strategy for 2009-2013
  4. EDA Match Commitment
  5. Regional Brownfield Application
  6. Other New Business
- VII. **ANNOUNCEMENTS**
- VIII. **ADJOURNMENT**

**City/Town Clerks: PLEASE POST PURSUANT TO OPEN MEETING LAW**

**Councillors: PLEASE CALL IF YOU ARE UNABLE TO ATTEND**

United States of America  
Federal Energy Regulatory Commission

BOOTT HYDROPOWER, INC.

Project Number P-2790-055

**MOTION TO INTERVENE OF THE TOWN OF TYNGSBOROUGH**

The Town of Tyngsborough (the "Town") hereby files this Motion to Intervene on the above-mentioned project pursuant to 18 CFR 385.214. The licensee in this case is Boott Hydropower, Inc. ("Boott") and the hydroelectric power project is the Pawtucket Dam located on the Merrimack River in Middlesex County, Massachusetts (the "Project").

The Town moves to intervene in the public interest; to represent and protect all of its rights and interests as well as that of all of its individual citizens since these rights and interests have been increasingly impacted by modifications to critical energy infrastructure components and changes to operational procedures by Boott without the benefit of comprehensive due diligence for risk, failure or catastrophic collapse analyses. These changes have occurred without proper notification to the licensing authority or to those parties with intervenor standing. Only after severe high visibility events resulting from these changes has Boott disclosed some detail of its modifications to critical energy infrastructure and to operational procedures. Most recently operational procedures resulted in a sudden significant release from infrastructure components that required emergency rescue of a number of individuals on the river downstream from the facility.

The Project proposes major modification of the critical infrastructure of the Pawtucket Dam utilizing a construct which recently suffered catastrophic failure while in use in Arizona. The Town has major concerns regarding the due diligence of risk, failure and catastrophic collapse analyses of the Project and holds the position that the license should be reviewed for these aspects of due diligence for critical infrastructure and operational procedures.

## MOTION TO INTERVENE OF THE TOWN OF TYNGSBOROUGH

The greatly elevated water levels produced by infrastructure modifications to the Pawtucket Dam by Boott have resulted in significant changes in river hydrologic characteristics above the dam and the Town began to experience a corresponding change in scope and size of areas regularly impacted by spring snowmelt and rainfall events. Areas subject to flooding, (Zone A) were now being joined by areas not regularly subject to flooding, (Zone B). Consequently the FEMA Flood Maps recently incorporated changes which for the Town resulted in some Zone B areas now becoming Zone A areas. The impact for property and deeded land owners includes restrictive zoning permissibility and flood insurance increased risk and cost. The Project would continue to produce these artificially elevated water levels resulting in continued expansion of areas subject to flooding. In winter, these elevated levels result in extreme ice in the form of packs and jams which severely damage the riverbank, retaining walls, rip rap, bioengineered reinforced banks and the Tyngsborough Bridge supporting infrastructure. This severely negatively impacts the Town.

As these modified operational procedures of Boott continued, the stability of the riverbank upstream of the Pawtucket Dam became constantly challenged by the sudden changes in river hydrologic characteristics which ultimately resulted in destabilization of the riverbank, leading to severe erosion and ultimate collapse of portions of Town and privately owned deeded parcels in Tyngsborough. This severely impacts the Town.

Boott operational procedures have negatively impacted the overall sustainability of abundant and available water withdrawal resources from the Merrimack River in the Town as well as promoting increased mobility of constituents within the associated groundwater aquifer affecting water quality of residential and public water supply drinking water wells as well as agricultural irrigation.

MOTION TO INTERVENE OF THE TOWN OF TYNGSBOROUGH

The modified operational procedures of Boott affecting Merrimack River water volume and velocity have not only impacted the physical condition of the riverbank and water quality, but have also affected depth and other hydrological characteristics that may prevent rightful use of the Merrimack River by the Town for hydropower generation for the benefit of its citizens.

All of these above mentioned rights of use of the Merrimack River by the Town and its citizens are held in the Public Trust since Colonial times and predate any water rights that Boott Hydropower, Inc. may have to operate their facilities which include but are not limited to canals, the Pawtucket Dam and the hydroelectric plant all located in Lowell, Massachusetts.

The Federal Energy Regulatory Commission is the licensing authority which may provide relief regarding all of these impacts to the Town and its citizens by amending and modifying the license of Boott to include provisions that call for operational formats that reduce and minimize the negative impacts that the recently modified procedures have caused. The Project requires due diligence for critical infrastructure and operational procedures. At the present time it appears to be a continuation of the modified operational procedures producing severe negative impacts to the Town.

For all of the above reasons, the Town hereby requests that the Commission grant its Motion to Intervene in the instant proceeding.

THE TOWN OF TYNGSBOROUGH

By its Board of Selectmen,



Ashley O'Neill, Chair

[aoNeill@tyngsboroughma.gov](mailto:aoNeill@tyngsboroughma.gov),

[ashley.oneill08@gmail.com](mailto:ashley.oneill08@gmail.com)

Elizabeth Coughlin, Vice Chair

[ecoughlin@tyngsboroughma.gov](mailto:ecoughlin@tyngsboroughma.gov)

[lizcoughlin2000@yahoo.com](mailto:lizcoughlin2000@yahoo.com)

Town of Tyngsborough Board of Selectmen

25 Bryants Lane, Tyngsborough, MA 01879

(978) 649-2314 fax (978) 649-2320

United States of America  
Federal Energy Regulatory Commission

BOOTT HYDROPOWER, INC.

Project Number P-2790-055

**MOTION TO INTERVENE OF THE TOWN OF TYNGSBOROUGH**

The Town of Tyngsborough (the "Town") hereby files this Motion to Intervene on the above-mentioned project pursuant to 18 CFR 385.214. The licensee in this case is Boott Hydropower, Inc. ("Boott") and the hydroelectric power project is the Pawtucket Dam located on the Merrimack River in Middlesex County, Massachusetts (the "Project").

The Town moves to intervene in the public interest; to represent and protect all of its rights and interests as well as that of all of its individual citizens since these rights and interests have been increasingly impacted by modifications to critical energy infrastructure components and changes to operational procedures by Boott without the benefit of comprehensive due diligence for risk, failure or catastrophic collapse analyses. These changes have occurred without proper notification to the licensing authority or to those parties with intervenor standing. Only after severe high visibility events resulting from these changes has Boott disclosed some detail of its modifications to critical energy infrastructure and to operational procedures. Most recently operational procedures resulted in a sudden significant release from infrastructure components that required emergency rescue of a number of individuals on the river downstream from the facility.

The Project proposes major modification of the critical infrastructure of the Pawtucket Dam utilizing a construct which recently suffered catastrophic failure while in use in Arizona. The Town has major concerns regarding the due diligence of risk, failure and catastrophic collapse analyses of the Project and holds the position that the license should be reviewed for these aspects of due diligence for critical infrastructure and operational procedures.

## MOTION TO INTERVENE OF THE TOWN OF TYNGSBOROUGH

The greatly elevated water levels produced by infrastructure modifications to the Pawtucket Dam by Boott have resulted in significant changes in river hydrologic characteristics above the dam and the Town began to experience a corresponding change in scope and size of areas regularly impacted by spring snowmelt and rainfall events. Areas subject to flooding, (Zone A) were now being joined by areas not regularly subject to flooding, (Zone B). Consequently the FEMA Flood Maps recently incorporated changes which for the Town resulted in some Zone B areas now becoming Zone A areas. The impact for property and deeded land owners includes restrictive zoning permissibility and flood insurance increased risk and cost. The Project would continue to produce these artificially elevated water levels resulting in continued expansion of areas subject to flooding. In winter, these elevated levels result in extreme ice in the form of packs and jams which severely damage the riverbank, retaining walls, rip rap, bioengineered reinforced banks and the Tyngsborough Bridge supporting infrastructure. This severely negatively impacts the Town.

As these modified operational procedures of Boott continued, the stability of the riverbank upstream of the Pawtucket Dam became constantly challenged by the sudden changes in river hydrologic characteristics which ultimately resulted in destabilization of the riverbank, leading to severe erosion and ultimate collapse of portions of Town and privately owned deeded parcels in Tyngsborough. This severely impacts the Town.

Boott operational procedures have negatively impacted the overall sustainability of abundant and available water withdrawal resources from the Merrimack River in the Town as well as promoting increased mobility of constituents within the associated groundwater aquifer affecting water quality of residential and public water supply drinking water wells as well as agricultural irrigation.



**MOTION TO INTERVENE OF THE TOWN OF TYNGSBOROUGH**

The modified operational procedures of Boott affecting Merrimack River water volume and velocity have not only impacted the physical condition of the riverbank and water quality, but have also affected depth and other hydrological characteristics that may prevent rightful use of the Merrimack River by the Town for hydropower generation for the benefit of its citizens.

All of these above mentioned rights of use of the Merrimack River by the Town and its citizens are held in the Public Trust since Colonial times and predate any water rights that Boott Hydropower, Inc. may have to operate their facilities which include but are not limited to canals, the Pawtucket Dam and the hydroelectric plant all located in Lowell, Massachusetts.

The Federal Energy Regulatory Commission is the licensing authority which may provide relief regarding all of these impacts to the Town and its citizens by amending and modifying the license of Boott to include provisions that call for operational formats that reduce and minimize the negative impacts that the recently modified procedures have caused. The Project requires due diligence for critical infrastructure and operational procedures. At the present time it appears to be a continuation of the modified operational procedures producing severe negative impacts to the Town.

For all of the above reasons, the Town hereby requests that the Commission grant its Motion to Intervene in the instant proceeding.

**THE TOWN OF TYNGSBOROUGH**

By its Board of Selectmen,



Ashley O'Neill, Chair

[aoneill@tyngsboroughma.gov](mailto:aoneill@tyngsboroughma.gov),

[ashley.oneill08@gmail.com](mailto:ashley.oneill08@gmail.com)

Elizabeth Coughlin, Vice Chair

[ecoughlin@tyngsboroughma.gov](mailto:ecoughlin@tyngsboroughma.gov)

[lizcoughlin2000@yahoo.com](mailto:lizcoughlin2000@yahoo.com)

Town of Tyngsborough Board of Selectmen

25 Bryants Lane, Tyngsborough, MA 01879

(978) 649-2314 fax (978) 649-2320